

PLAN VIEW
Des. No. 2000800
NOT TO SCALE

SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

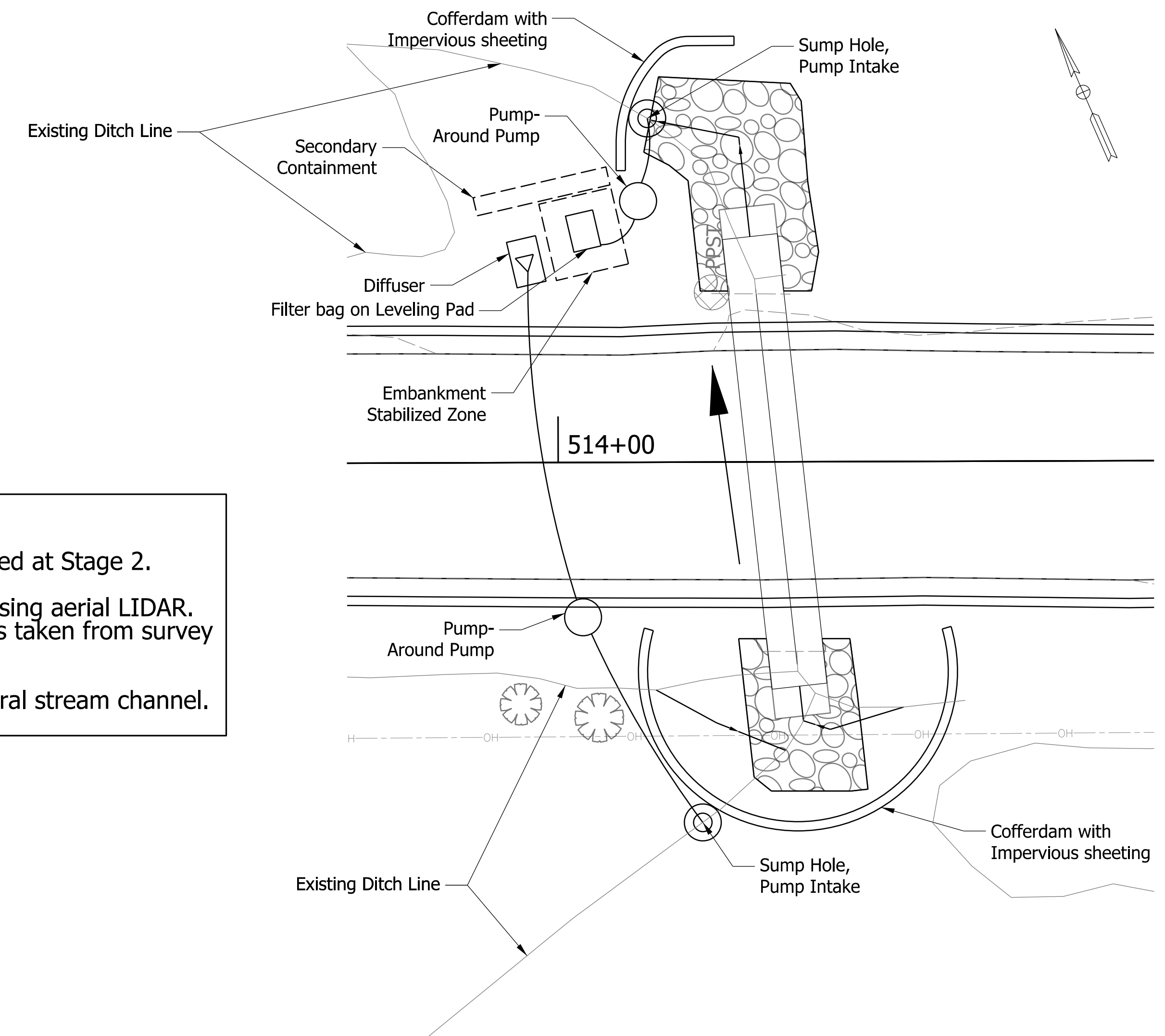
HYDRAULIC DATA	
Drainage Area	117 ACRES
1% EP Design Discharge	118.4 CFS
1% EP Water Surface Elevation (NAVD88)	696.91 FT
Existing 1% EP Headwater Elevation (NAVD88)	700.29 FT
Proposed 1% EP Headwater Elevation (NAVD88)	698.71 FT
Existing 1% EP Backwater	3.02 FT
Proposed 1% EP Backwater	1.44 FT
Existing 1% EP Serviceability Freeboard	0 FT
Proposed 1% EP Serviceability Freeboard	1.10 FT
Existing Waterway Area	5.97 SQ FT
Proposed Waterway Area	15.43 SQ FT
Existing 2% EP Outlet Velocity	10.43 FT/SEC
Proposed 2% EP Outlet Velocity	7.32 FT/SEC

EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

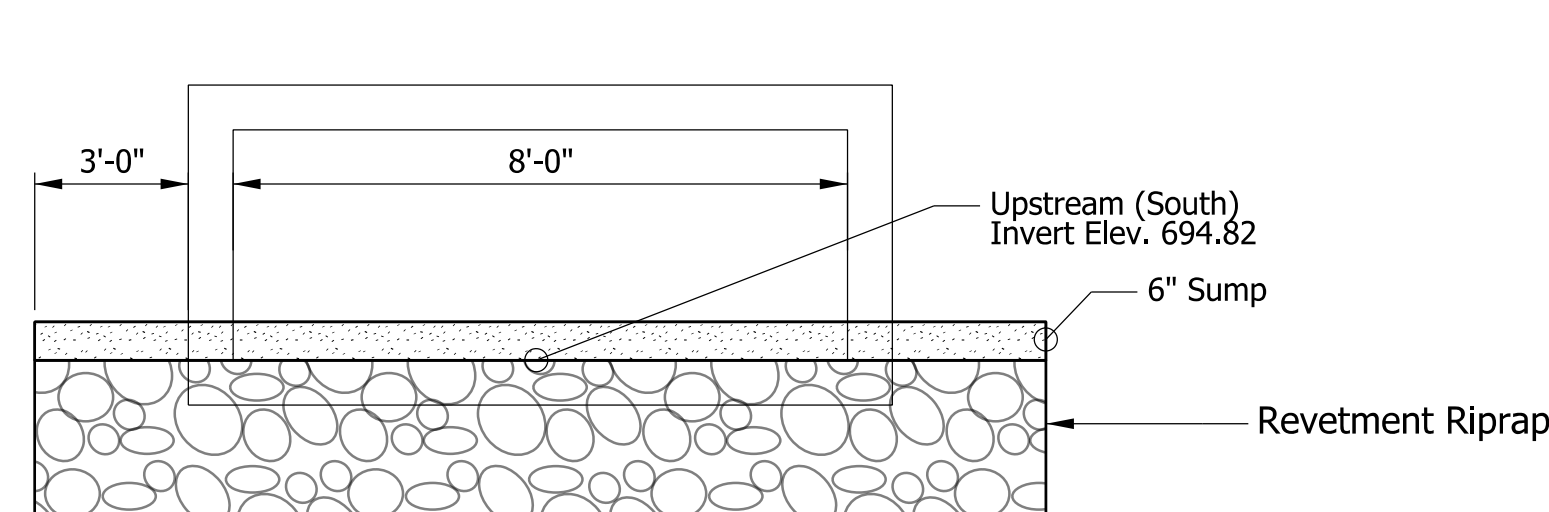
EXISTING STRUCTURE
The Existing Culvert is a 3 foot x 3 foot Reinforced Concrete Box with a Corrugated Metal Pipe Liner. Existing Structure is to be removed.

NOTE
See Std. Dwg. E 601-CWGS, E 601-MGSA, E 601-GRET For Guardrail details

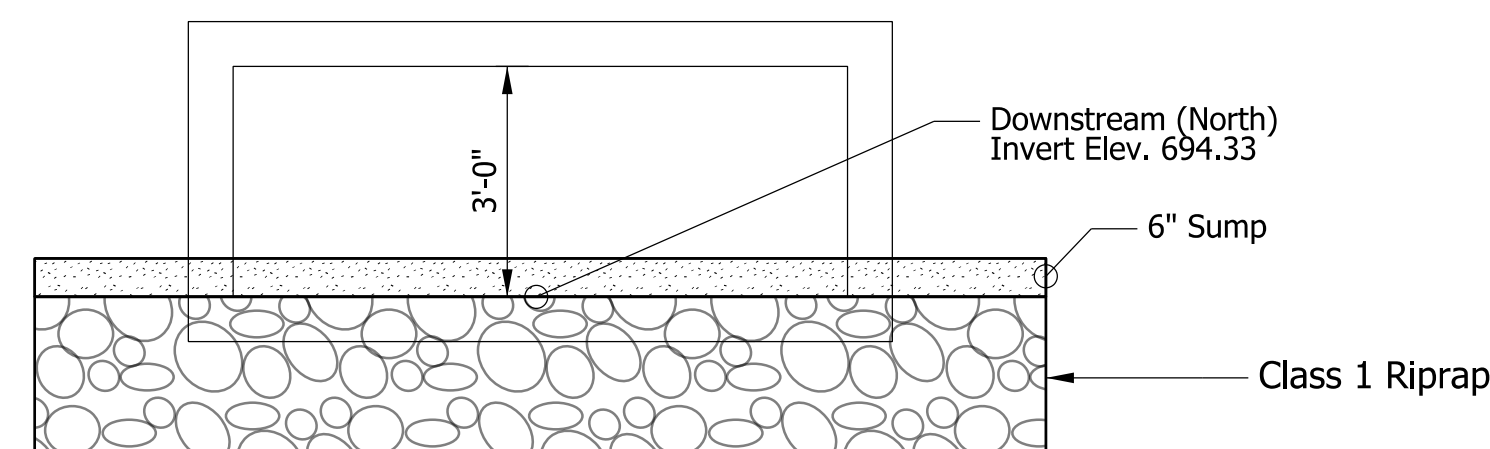
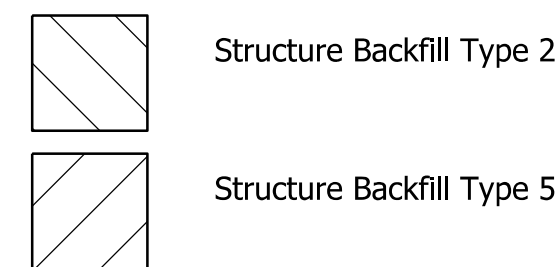
REVIEWER NOTE:
Data tables to be completed at Stage 2.
Terrain survey was shot using aerial LIDAR. Structure Invert elevations taken from survey spot elevations.
Riprap to conform to natural stream channel.



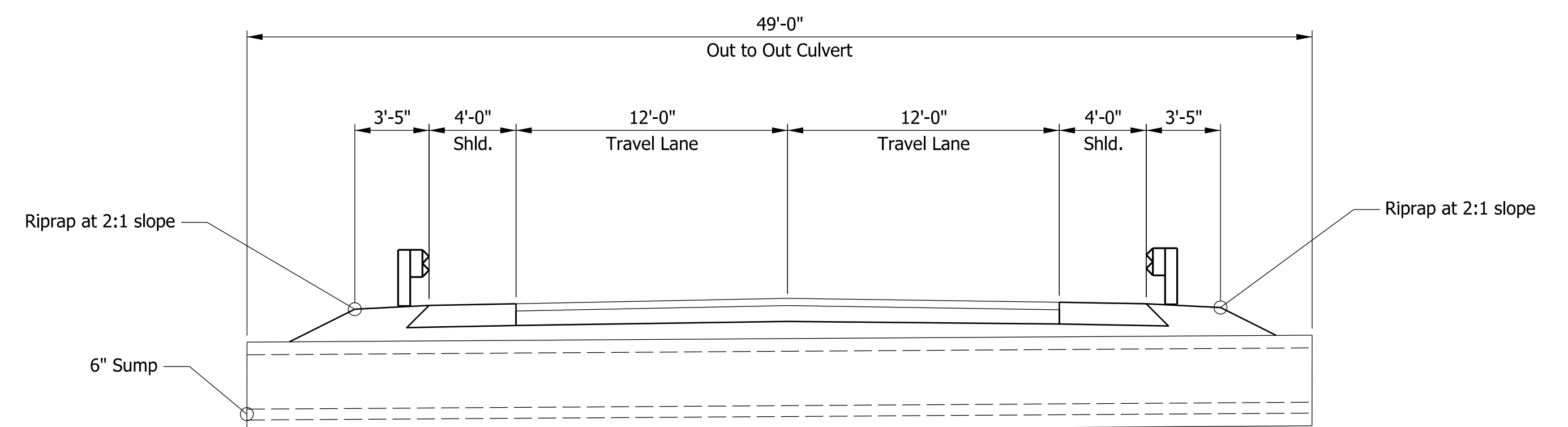
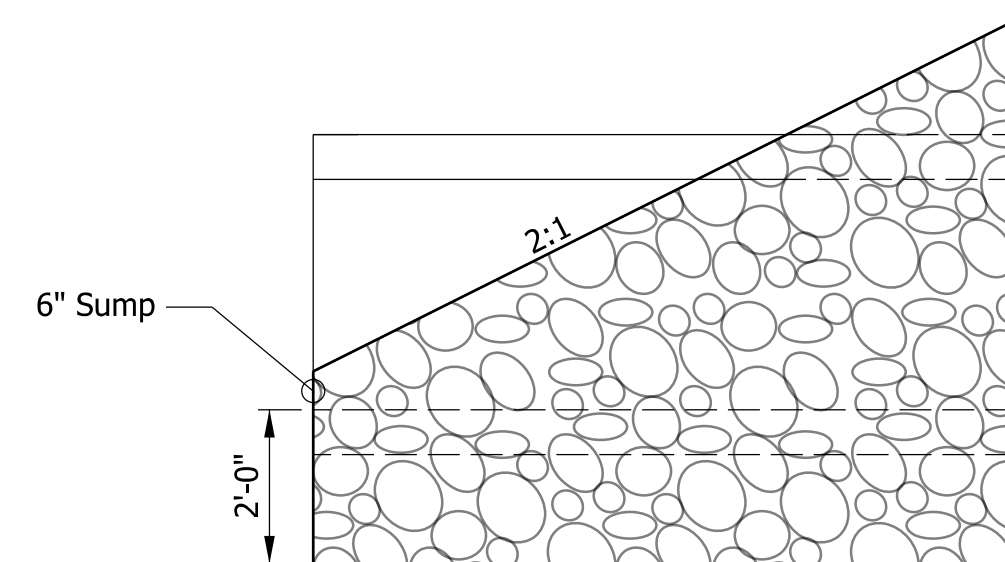
EROSION CONTROL DETAIL
Des. No. 2000800
NOT TO SCALE



BACKFILL DETAIL
Des. No. 2000800
NOT TO SCALE



END DETAIL
Des. No. 2000800
NOT TO SCALE



TYPICAL SECTION
Des. No. 2000800
NOT TO SCALE

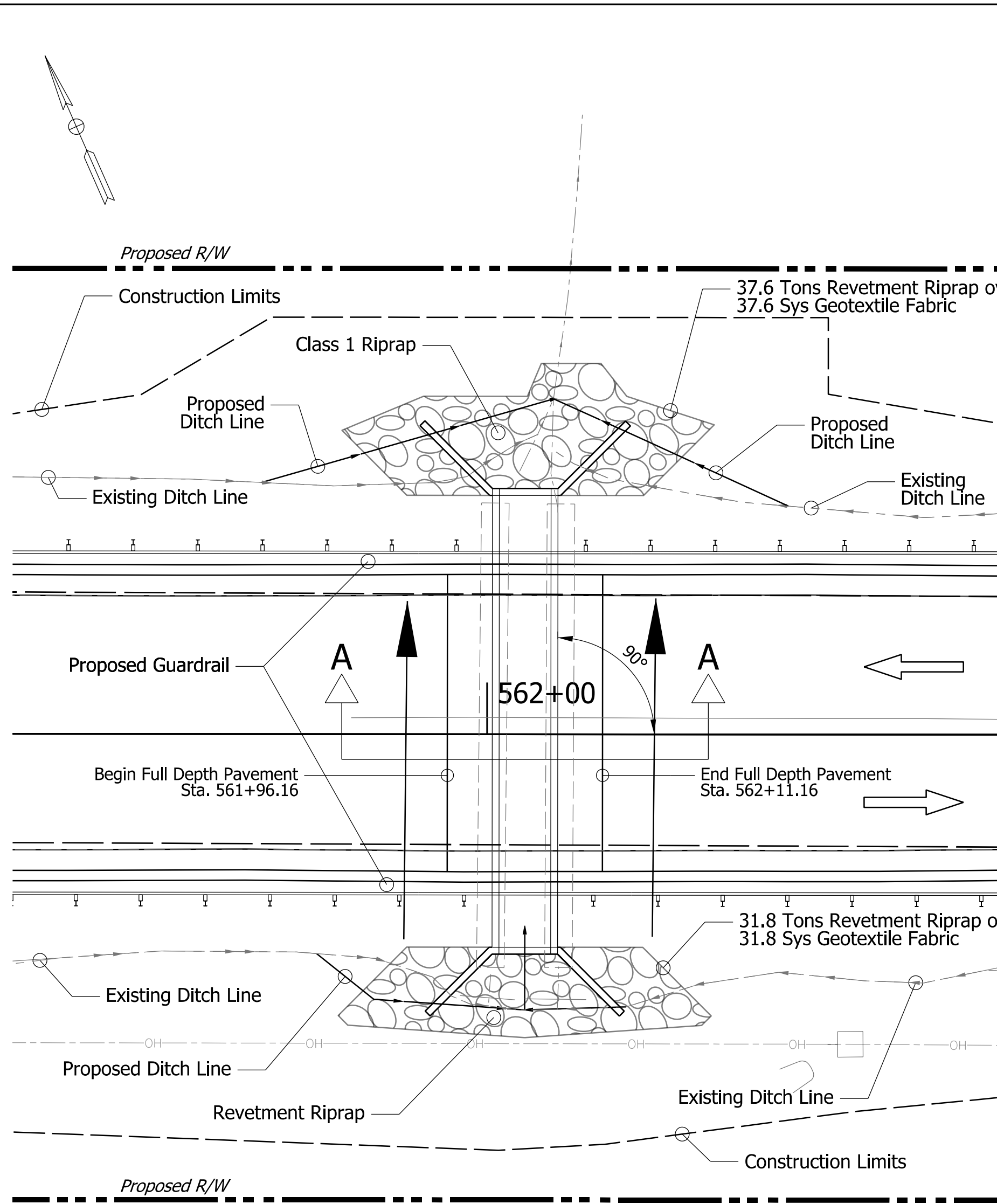
GENERAL PLAN
PRECAST REINFORCED CONCRETE FOUR-SIDED STRUCTURE
SPAN: 8'-0" RISE: 3'-0"
30'-0" CLEAR ROADWAY SKEW: 06°07'0"
SR 38 OVER DITCH
TIPPECANOE COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	8/21/2020	DATE
DESIGNED: KS	DRAWN: AP		
CHECKED: JR	CHECKED: KS		

INDIANA
DEPARTMENT OF TRANSPORTATION

CULVERT DETAILS
CV 038-079-07.58

BRIDGE FILE	2000800
SCALE	DESIGNATION
NTS	1601074
SURVEY BOOK	SHEETS
	148 of 422
CONTRACT	PROJECT
RS-40528	1601074



WINGWALL TABLE				
Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A	731.67	729.49	8.46	46.78
B	731.67	729.49	8.46	46.78
C	731.43	728.50	9.22	50.80
D	731.43	728.50	9.22	50.80

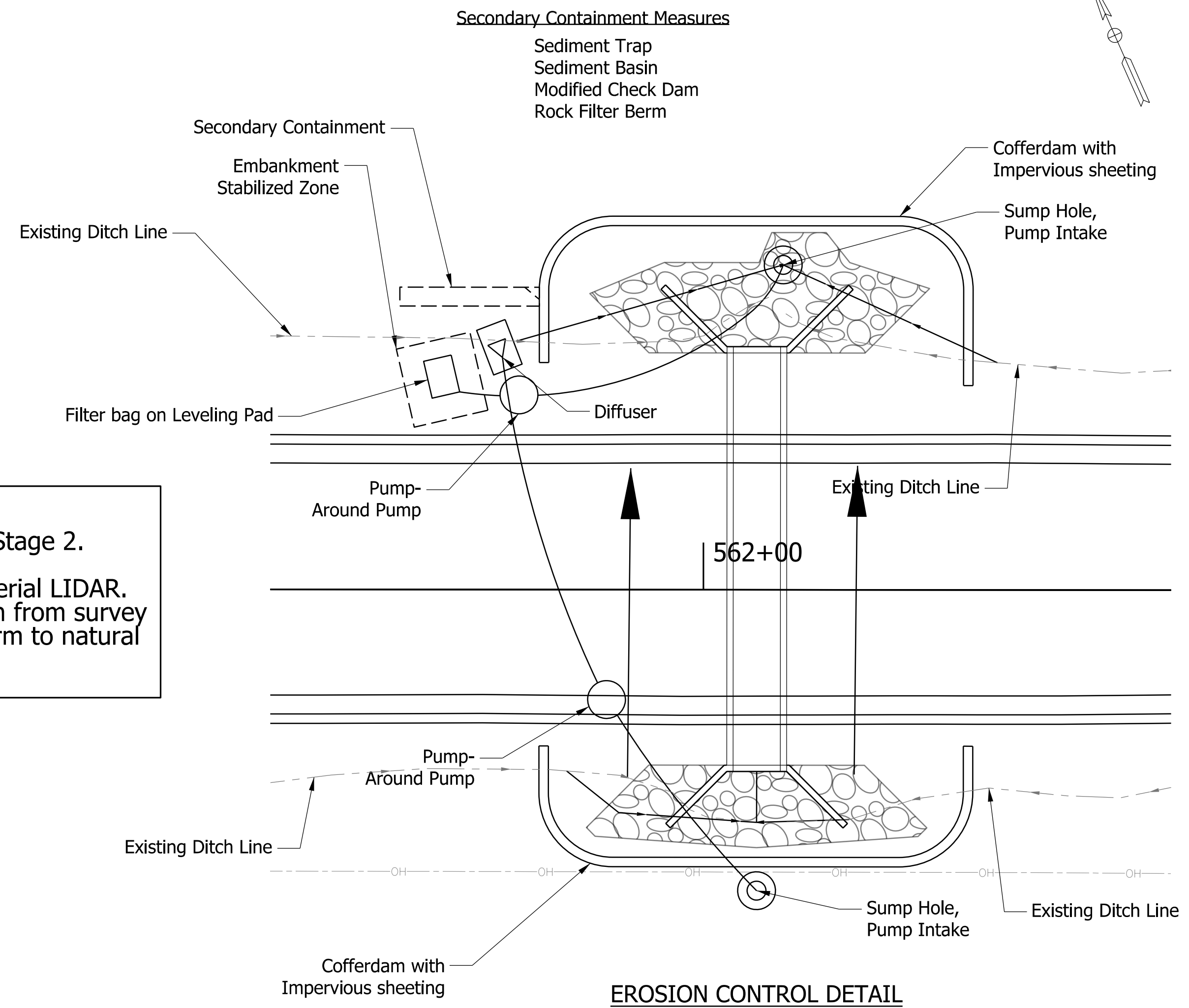
SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

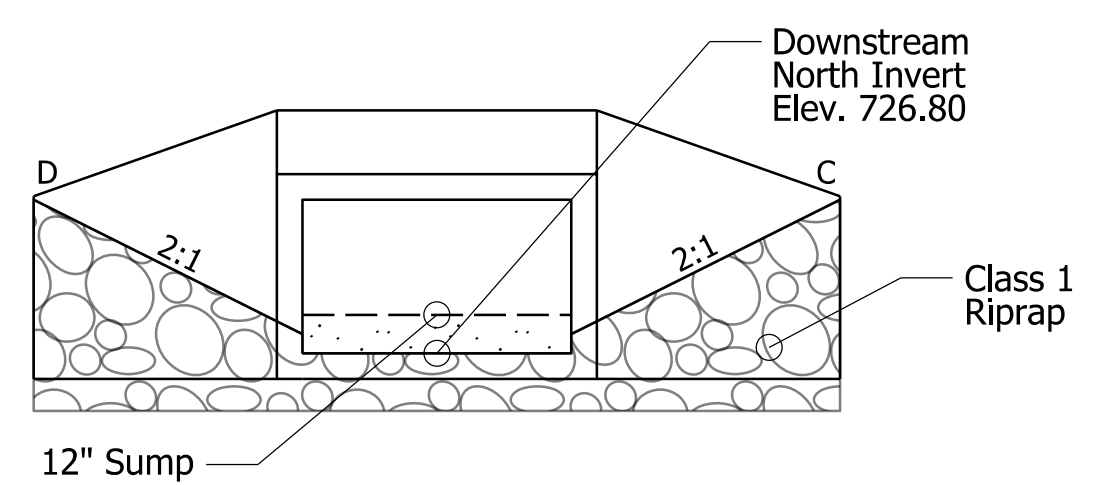
HYDRAULIC DATA	
Drainage Area	73.8 ACRES
1% EP Design Discharge	103.9 CFS
1% EP Water Surface Elevation (NAVD88)	729.05 FT
Existing 1% EP Headwater Elevation (NAVD88)	731.98 FT
Proposed 1% EP Headwater Elevation (NAVD88)	731.92 FT
Existing 1% EP Backwater	2.53 FT
Proposed 1% EP Backwater	2.47 FT
Existing 1% EP Serviceability Freeboard	0.06 FT
Proposed 1% EP Serviceability Freeboard	0.12 FT
Existing Waterway Area	5.46 SQ FT
Proposed Waterway Area	6.60 SQ FT
Existing 2% EP Outlet Velocity	7.75 FT/SEC
Proposed 2% EP Outlet Velocity	8.18 FT/SEC

EXISTING STRUCTURE
 The Existing Culvert is a 32 inch x 24 inch Double Barrel Elliptical Corrugated Metal Pipe. Existing Structure is to be removed.

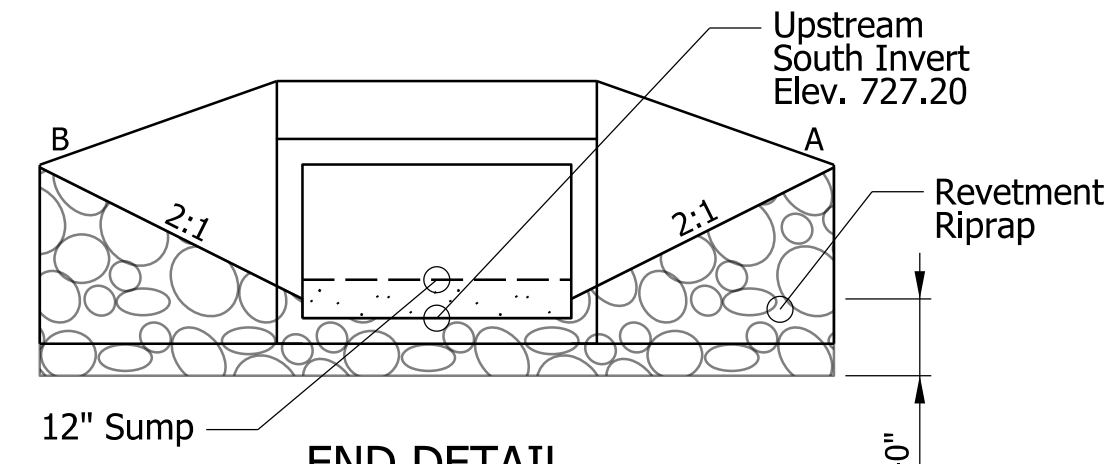
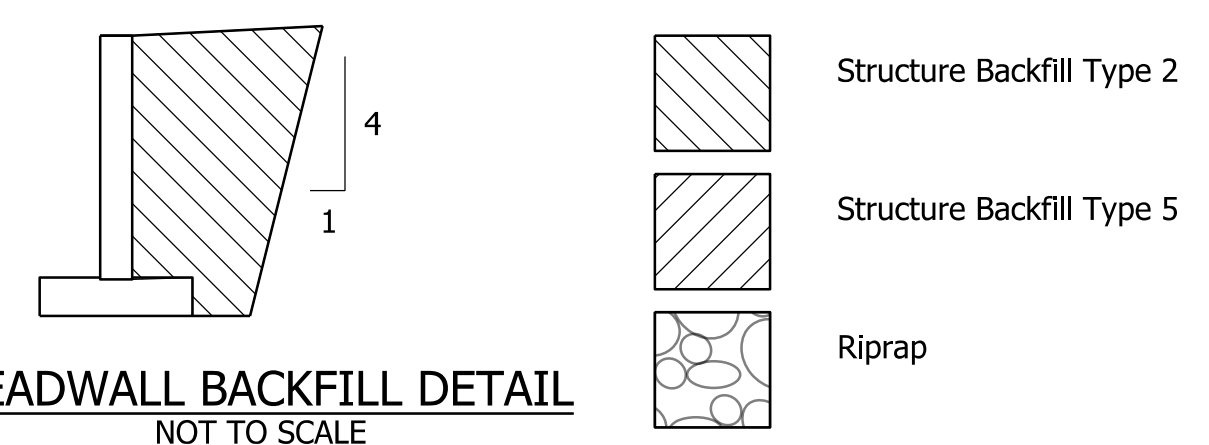
REVIEWER NOTE:
 Data tables to be completed at Stage 2.
 Terrain survey was shot using aerial LIDAR. Structure Invert elevations taken from survey spot elevations. Riprap to conform to natural stream channel.



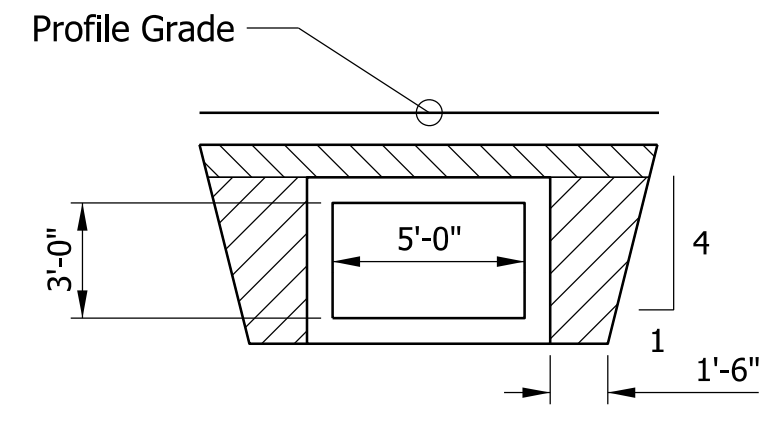
PLAN VIEW
 Des. No. 2000802
 NOT TO SCALE



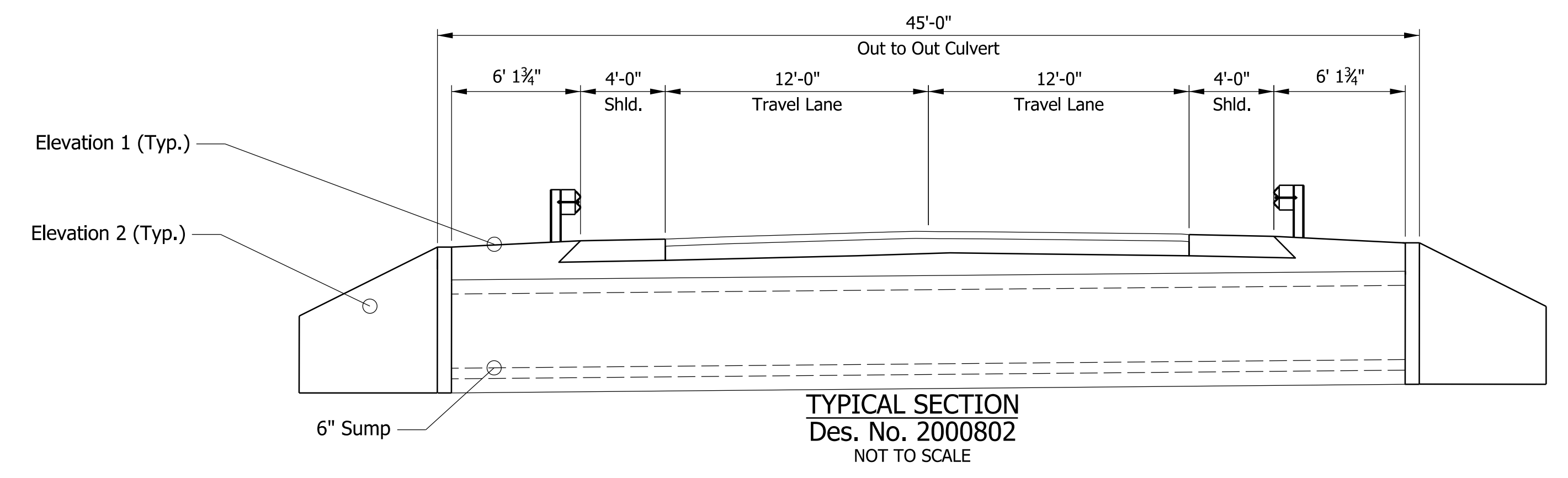
HEADWALL BACKFILL DETAIL
 NOT TO SCALE



END DETAIL
 Des. No. 2000802
 NOT TO SCALE



SECTION A-A
 NOT TO SCALE



TYPICAL SECTION
 Des. No. 2000802
 NOT TO SCALE

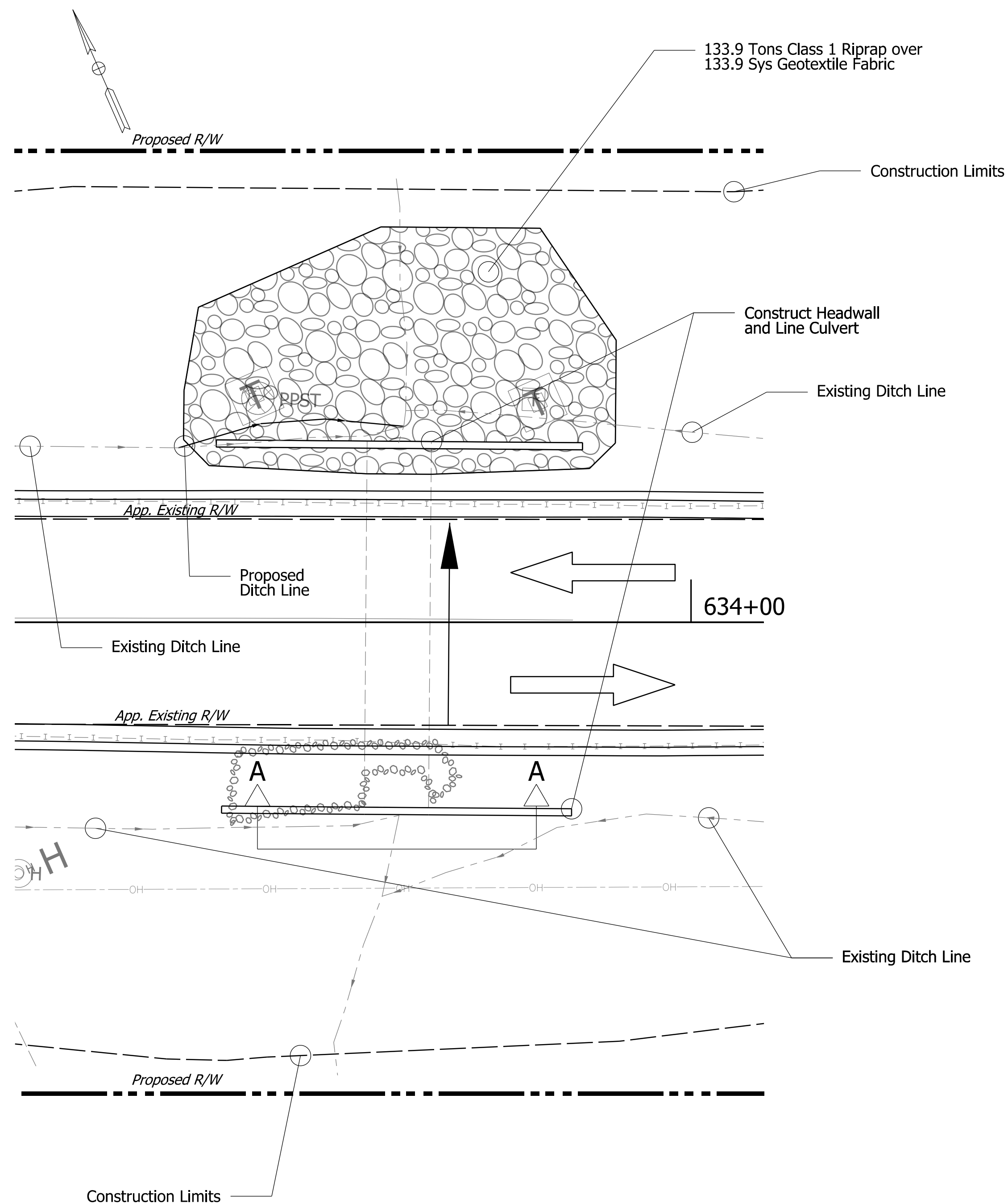
GENERAL PLAN
 PRECAST REINFORCED CONCRETE
 FOUR-SIDED STRUCTURE
 SPAN: 5'-0" RISE: 3'-0"
 30'-0" CLEAR ROADWAY SKEW: 00°00'00"
 SR 38 OVER DITCH
 TIPPECANOE COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	8/21/2020	DATE
DESIGNED: KS	DRAWN: AP		
CHECKED: JR	CHECKED: KS		

INDIANA
 DEPARTMENT OF TRANSPORTATION

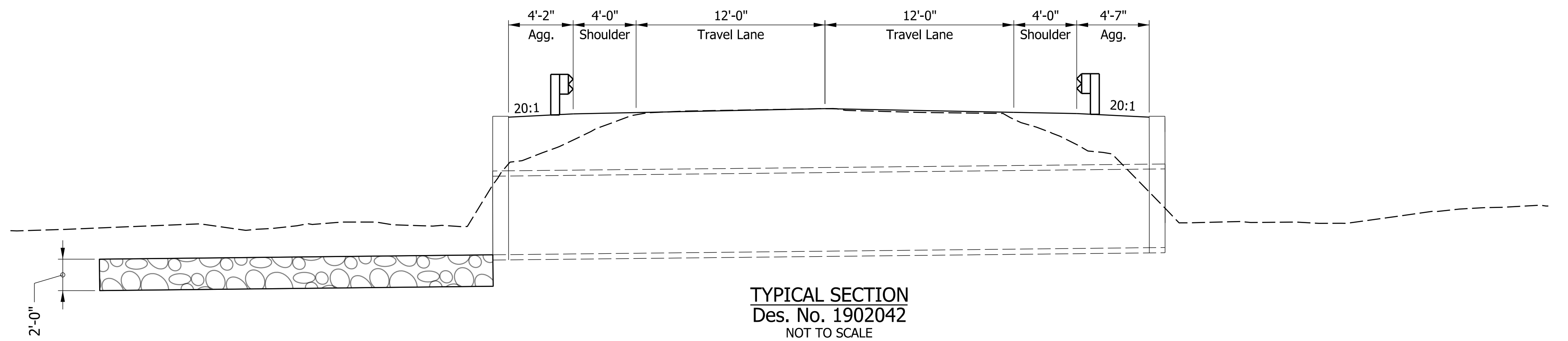
 CULVERT DETAILS
 CV 038-079-08.88

BRIDGE FILE	2000802
SCALE	DESIGNATION
NTS	1601074
SURVEY BOOK	SHEETS
	149 of 422
CONTRACT	PROJECT
RS-40528	1601074

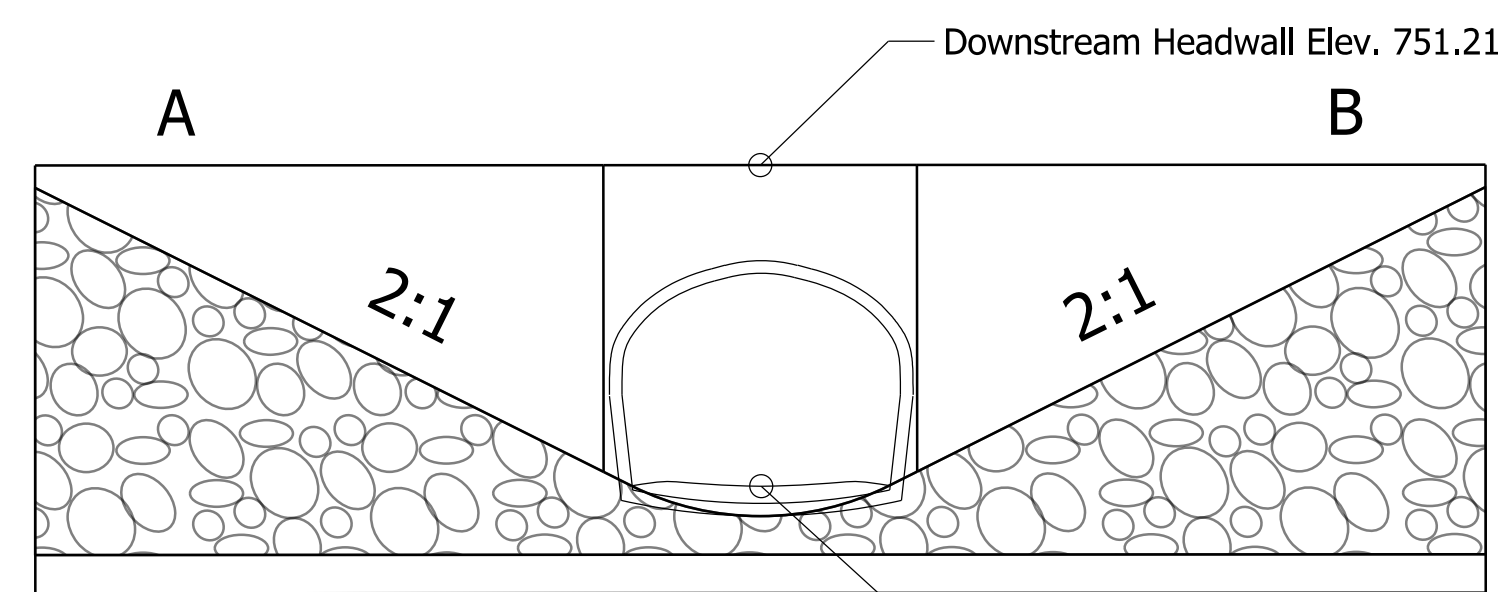


PLAN VIEW
Des. No. 1902042
NOT TO SCALE

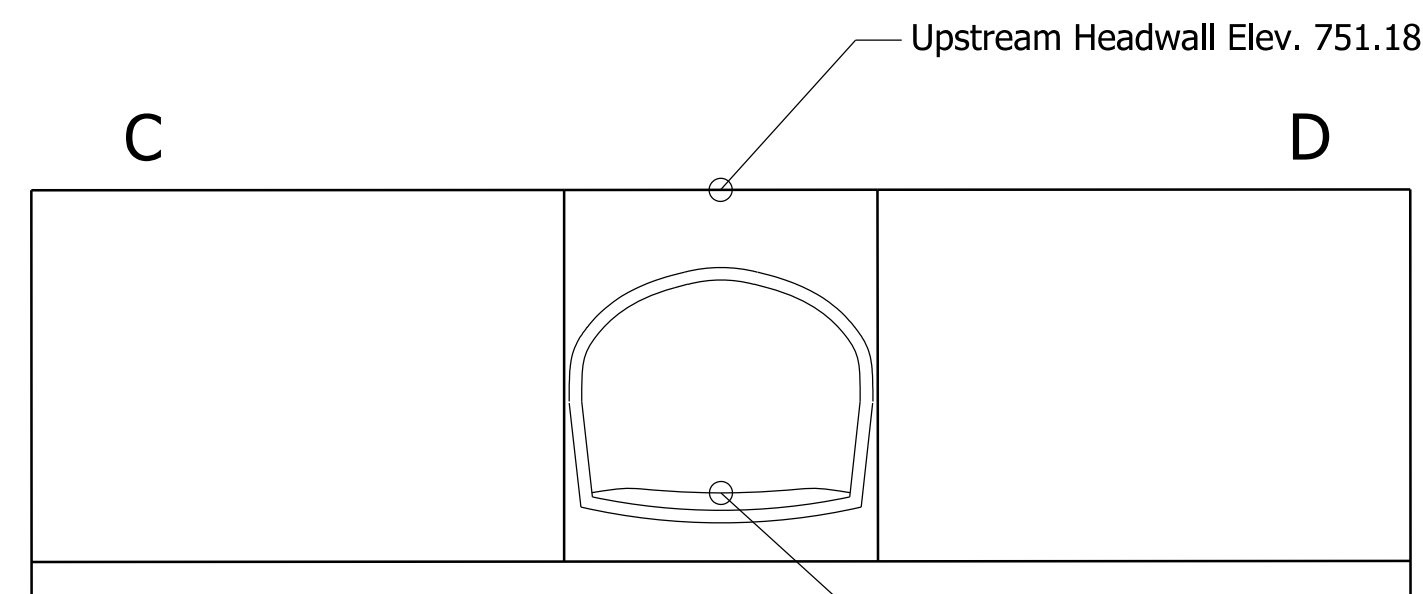
Notes:
*CIPP Liner is hydraulically equivalent
*If lining options are not feasible, hydraulically equivalent replacement options include 87" x 71" CMPA and 9' x 5' RCB with 6" sump.



TYPICAL SECTION
Des. No. 1902042
NOT TO SCALE



ELEVATION VIEW
Des. No. 1902042
NOT TO SCALE



ELEVATION VIEW
Des. No. 1902042
NOT TO SCALE

EXISTING STRUCTURE
The Existing Structure is a 87" x 71" Corrugated Metal Pipe Arch. Existing Structure is to remain in place and be lined.

WINGWALL TABLE				
Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A	751.21	742.06	11.86	108.5
B	751.21	742.06	11.86	108.5
C	751.18	742.51	11.7	101.4
D	751.18	742.51	11.7	101.4

SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

HYDRAULIC DATA	
Drainage Area	287.5 ACRES
1% EP Design Discharge	219.9 CFS
1% EP Water Surface Elevation (NAVD88)	745.86 FT
Existing 1% EP Headwater Elevation (NAVD88)	749.04 FT
Proposed 1% EP Headwater Elevation (NAVD88)	748.86 FT
Existing 1% EP Backwater	2.74 FT
Proposed 1% EP Backwater	2.56 FT
Existing Waterway Area	23.57 SQ FT
Proposed Waterway Area	20.94 SQ FT
Existing 4% EP Outlet Velocity	9.05 FT/SEC
Proposed 4% EP Outlet Velocity	9.34 FT/SEC

REVIEWER NOTE:
Data tables to be completed at Stage 2.

Terrain survey was shot using aerial LIDAR. Structure Invert elevations taken from survey spot elevations. Upstream and downstream flow lines to match existing.

Riprap to conform to natural stream channel.

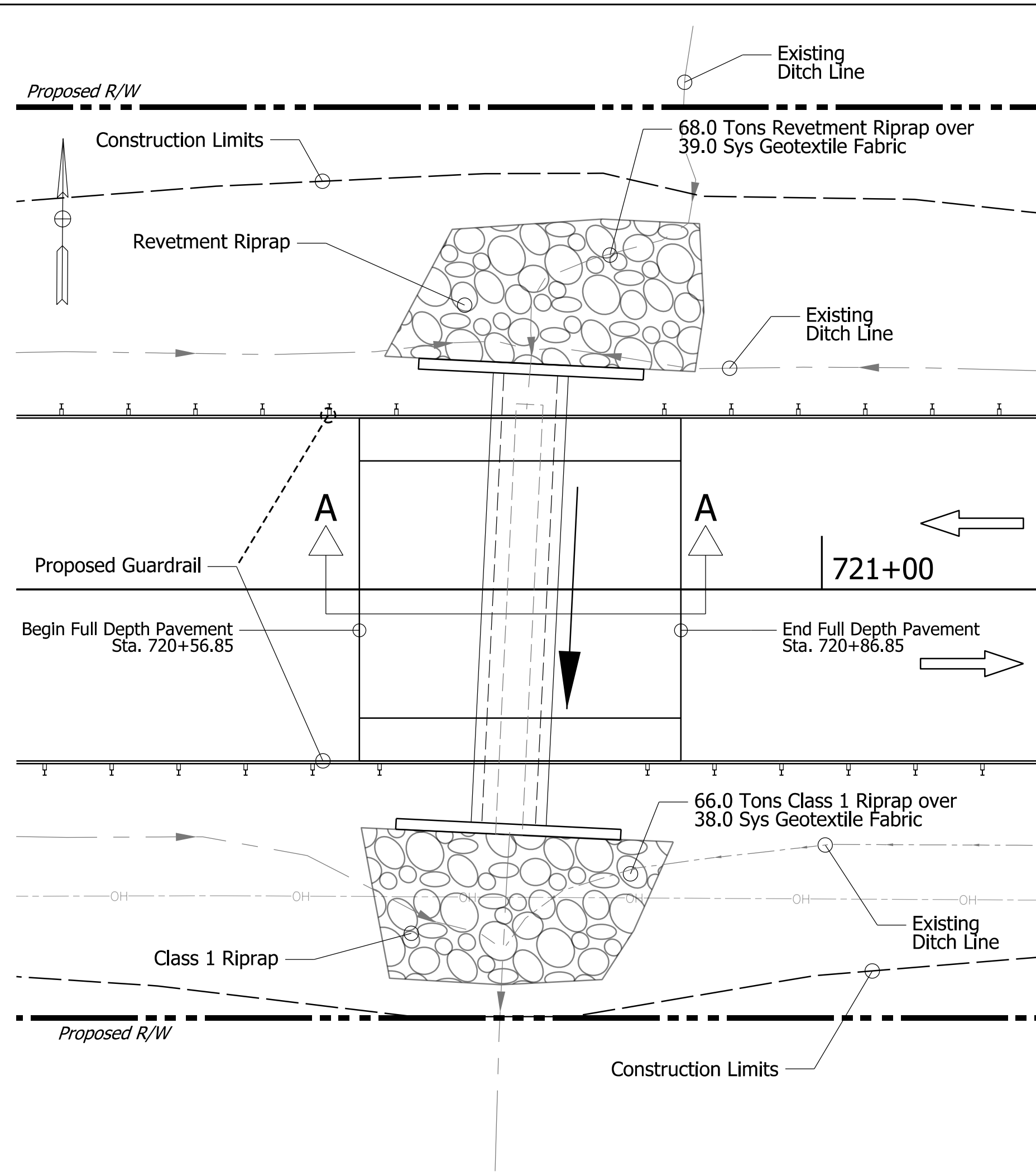
GENERAL PLAN
CORRUGATED METAL PIPE ARCH
5" PAVED INVERT W/ HEADWALLS
SPAN: 87" RISE: 71"
30'-0" CLEAR ROADWAY SKEW: 00°00'00"
SR 38 OVER DITCH
CLINTON COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	DATE
		8/21/2020
DESIGNED: KS	DRAWN: AP	
CHECKED: JR	CHECKED: KS	

INDIANA
DEPARTMENT OF TRANSPORTATION

CULVERT DETAILS
CV 038-012-10.20

CULVERT ID	BRIDGE FILE
CV 038-012-10.20	1902042
SCALE	DESIGNATION
NTS	1601074
SURVEY BOOK	SHEETS
	150 of 422
CONTRACT	PROJECT
RS-40528	1601074



PLAN VIEW
Des. No. 2001746
NOT TO SCALE

WINGWALL TABLE				
Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A				
B				
C				
D				

SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

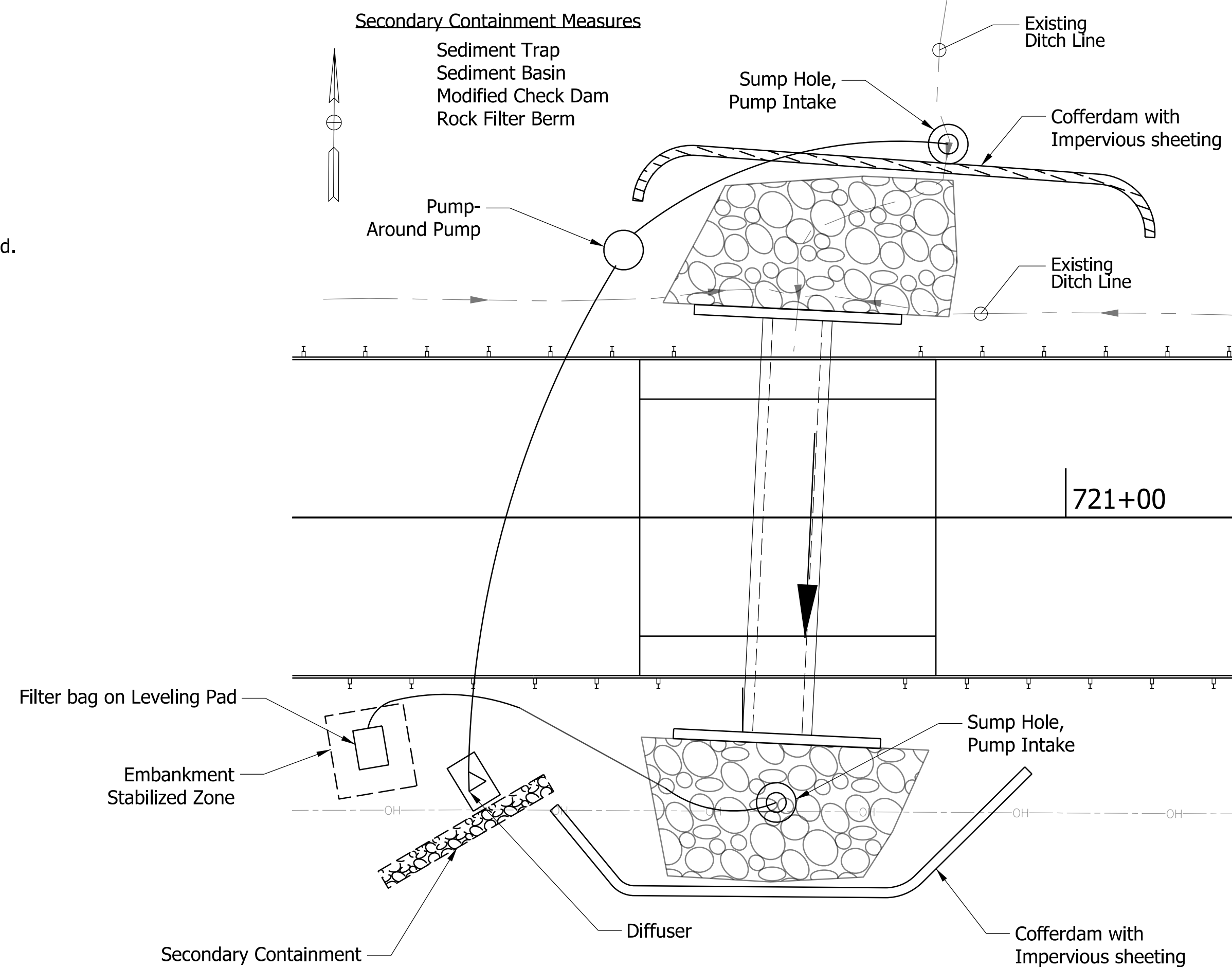
EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

HYDRAULIC DATA	
Drainage Area	59.3 ACRES
1% EP Design Discharge	100.3 CFS
1% EP Water Surface Elevation (NAVD88)	777.90 FT
Existing 1% EP Headwater Elevation (NAVD88)	780.95 FT
Proposed 1% EP Headwater Elevation (NAVD88)	780.69 FT
Existing 1% EP Backwater	2.09 FT
Proposed 1% EP Backwater	1.83 FT
Existing Waterway Area	4.49 SQ FT
Proposed Waterway Area	10.62 SQ FT
Existing 4% EP Outlet Velocity	8.97 FT/SEC
Proposed 4% EP Outlet Velocity	9.55 FT/SEC

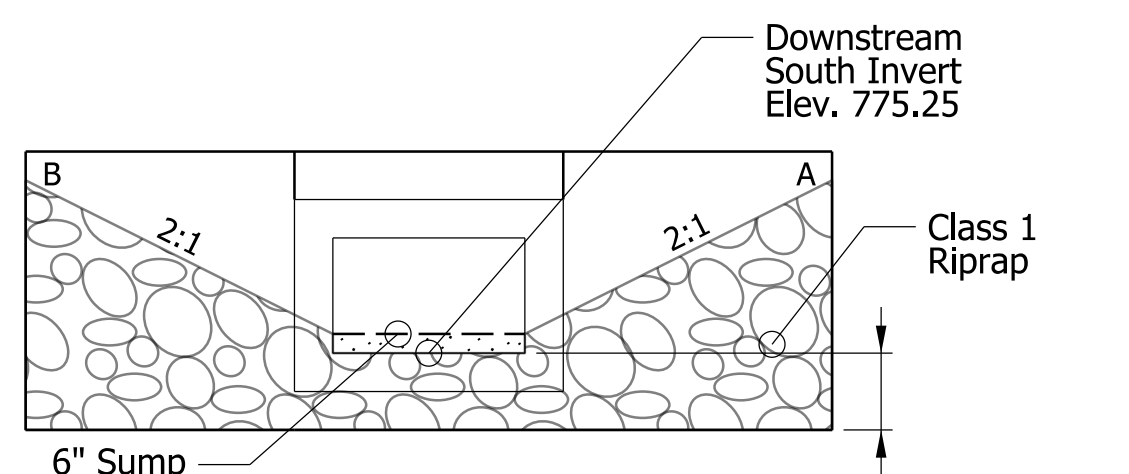
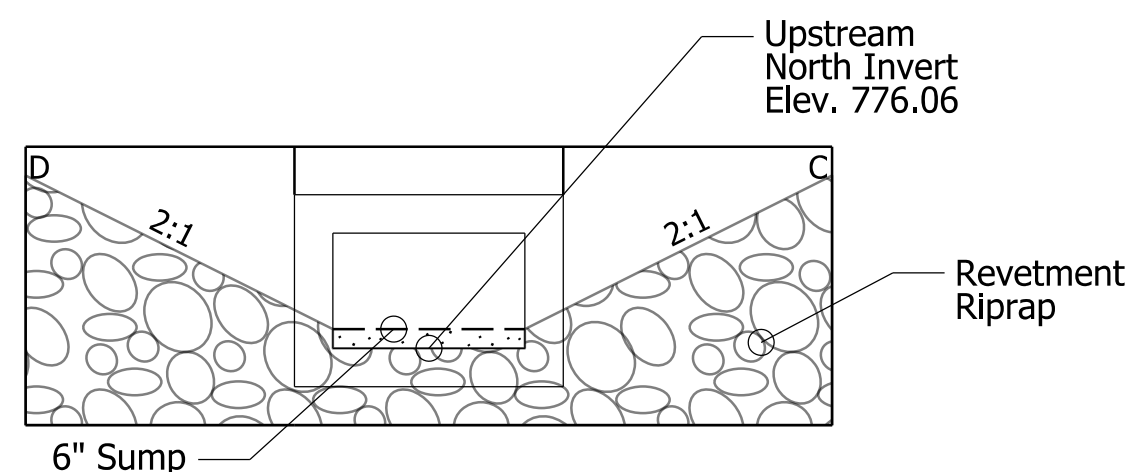
REVIEWER NOTE:
Data tables to be completed at a later stage.

Terrain survey was shot using aerial LIDAR.
Structure Invert elevations taken from survey spot elevations. Riprap to conform to natural stream channel.

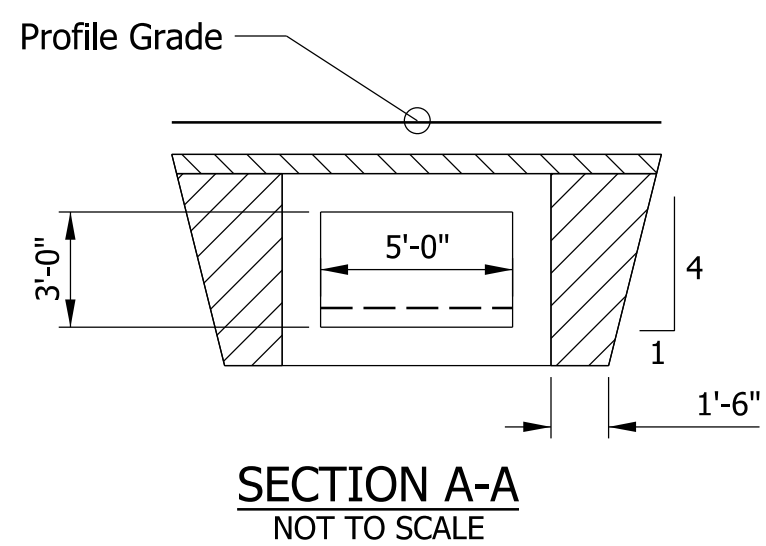
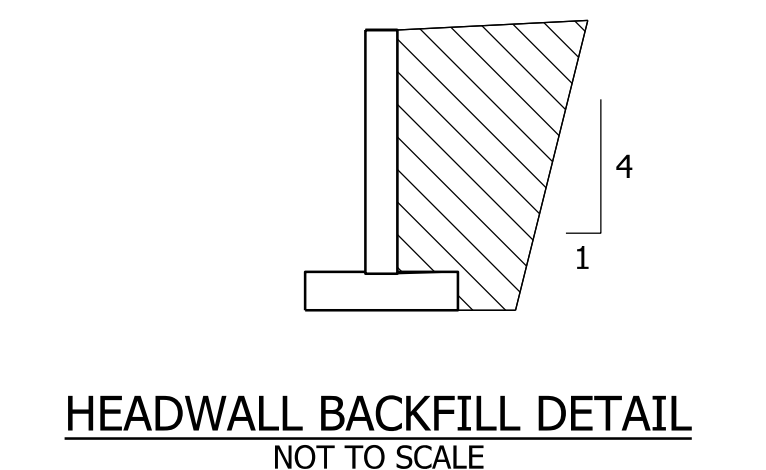
EXISTING STRUCTURE
The Existing Culvert is a 30 inch Corrugated Metal Pipe.
Existing Structure is to be removed.



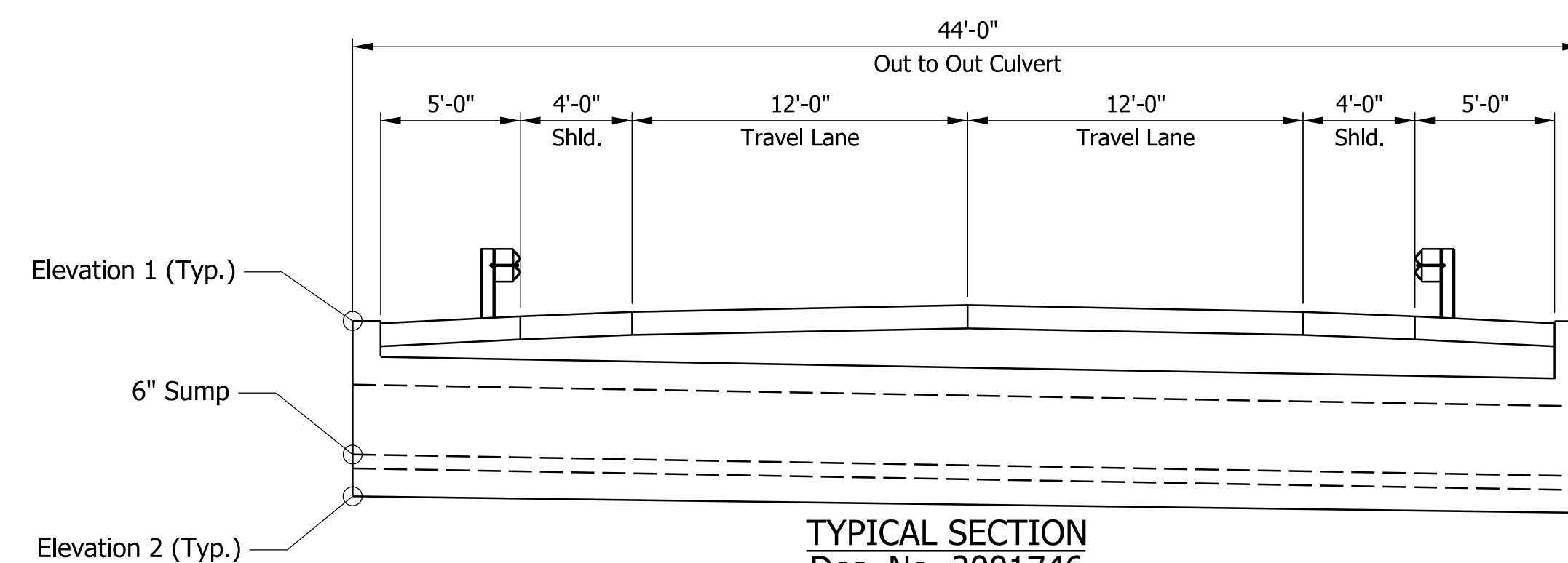
EROSION CONTROL DETAIL
Des. No. 2001746
NOT TO SCALE



END DETAIL
Des. No. 2001746
NOT TO SCALE



- Structure Backfill Type 2
- Structure Backfill Type 5
- Riprap



TYPICAL SECTION
Des. No. 2001746
NOT TO SCALE

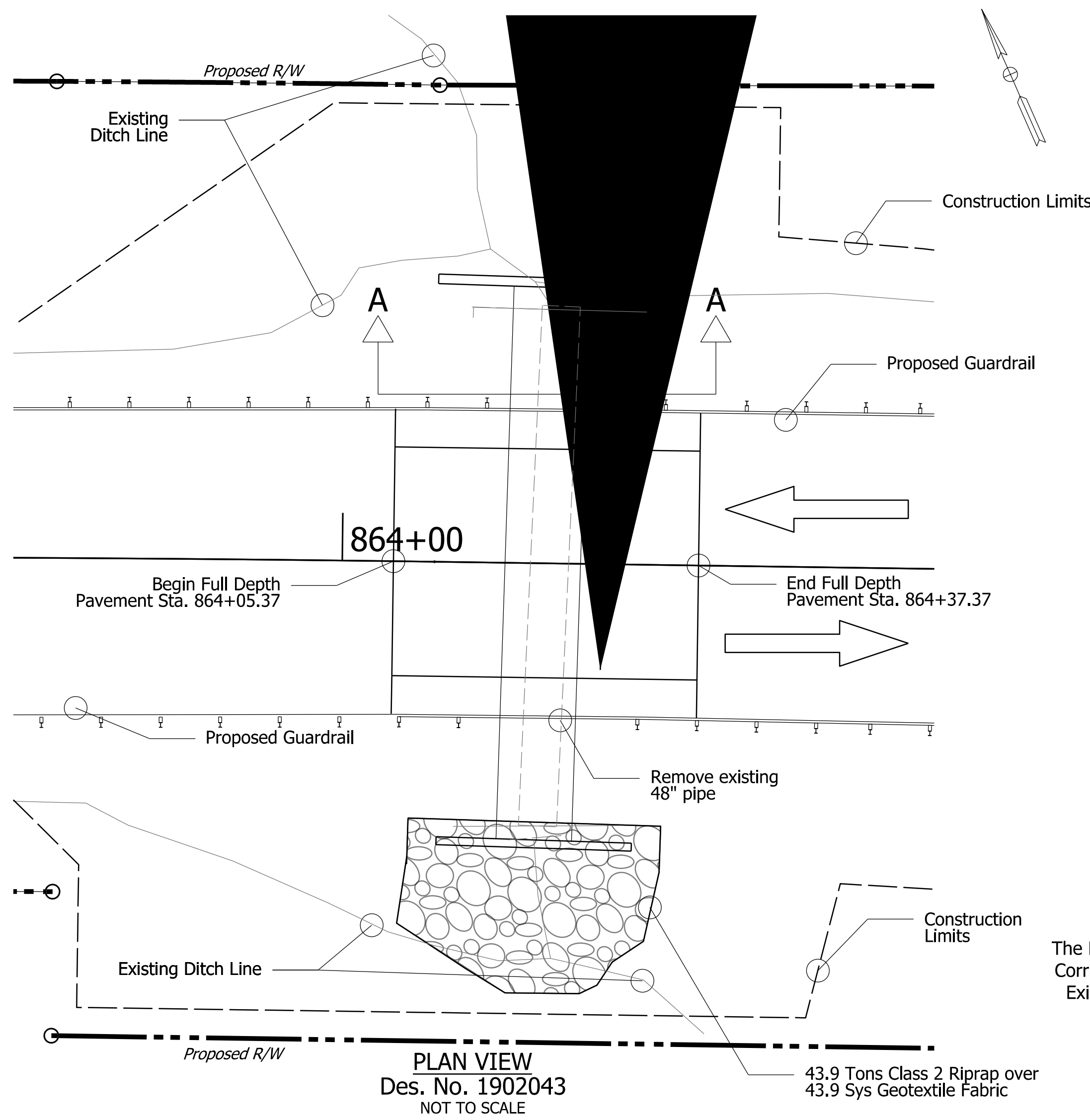
GENERAL PLAN
PRECAST REINFORCED CONCRETE
FOUR-SIDED STRUCTURE
SPAN: 5'-0" RISE: 3'-0"
32'-0" CLEAR ROADWAY SKEW: 02°48'36"
SR 38 OVER DITCH
CLINTON COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	8/21/2020	DATE
DESIGNED: KS	DRAWN: AP		
CHECKED: JR	CHECKED: KS		

INDIANA
DEPARTMENT OF TRANSPORTATION

CULVERT DETAILS
CV 038-012-11.86

BRIDGE FILE	200802
SCALE	DESIGNATION
NTS	1601074
SURVEY BOOK	SHEETS
	151 of 422
CONTRACT	PROJECT
RS-40528	1601074



Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A	778	772.5	9.50	52.3
B	778	772.5	9.50	52.3
C	780.78	775.26	9.55	52.7
D	780.78	775.26	9.55	52.7

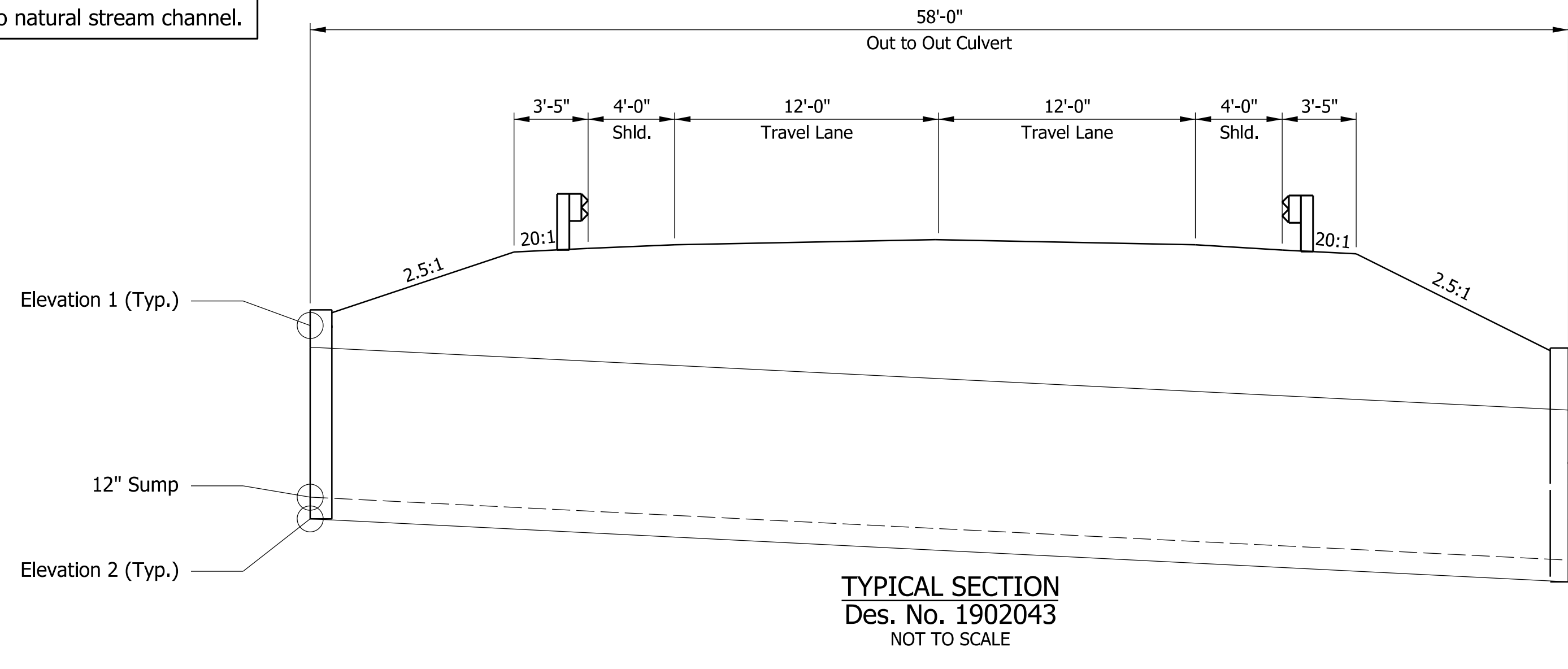
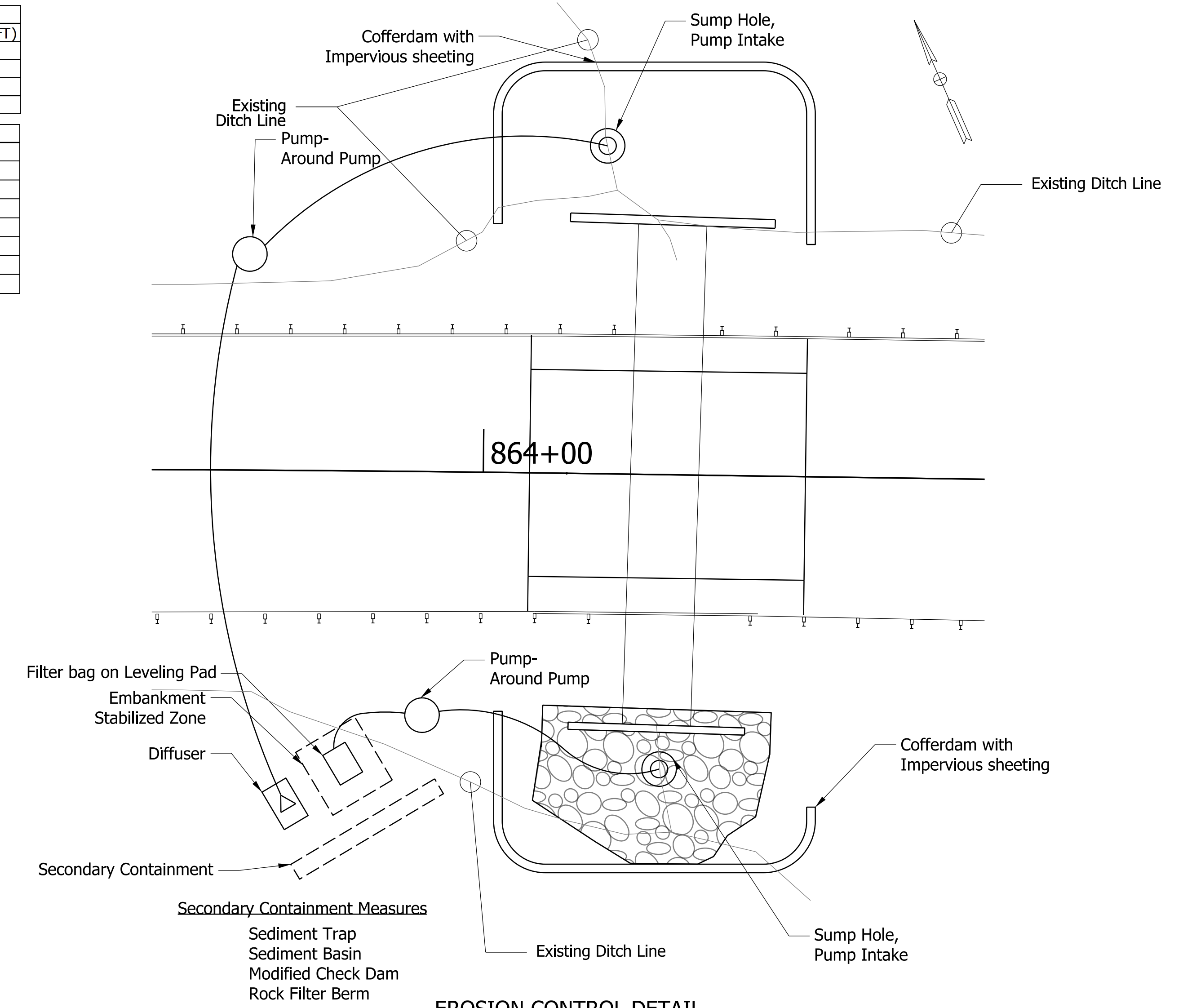
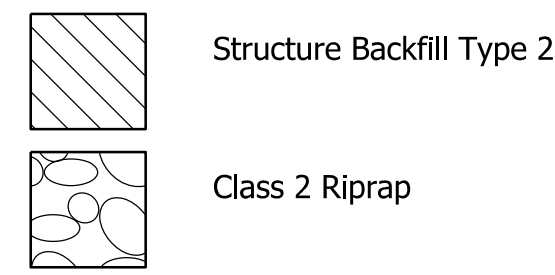
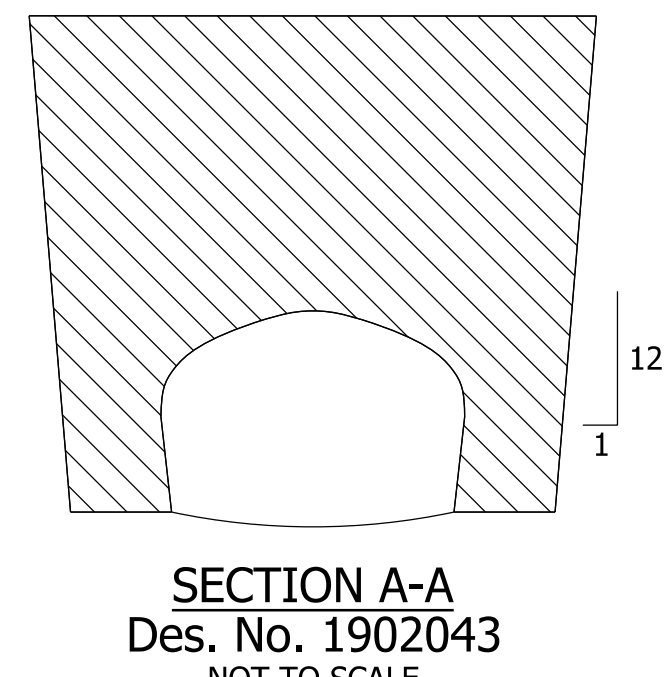
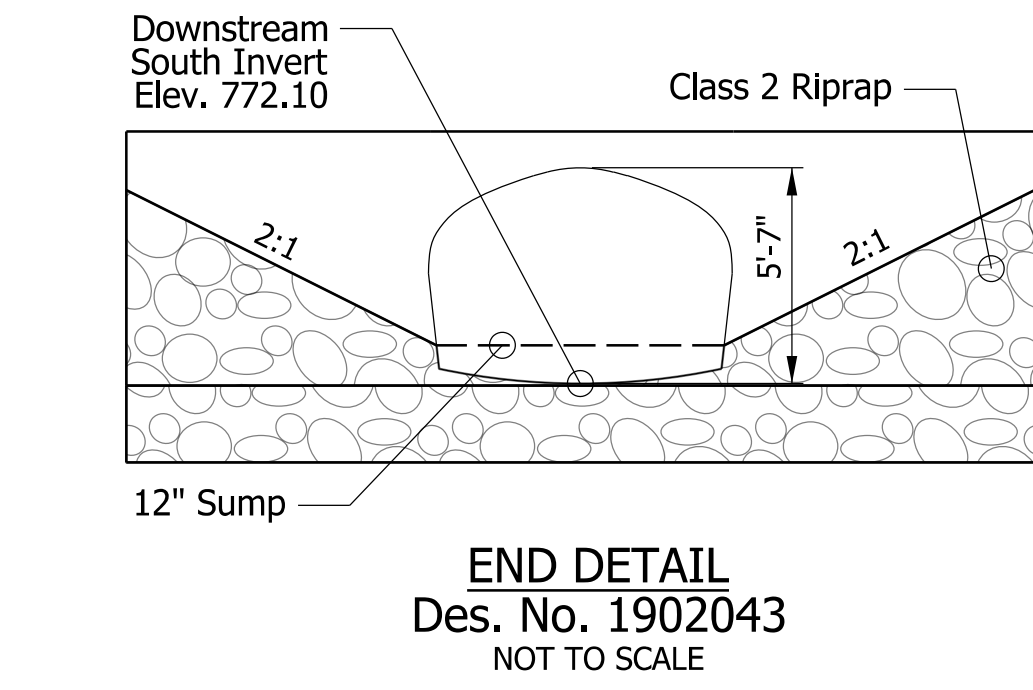
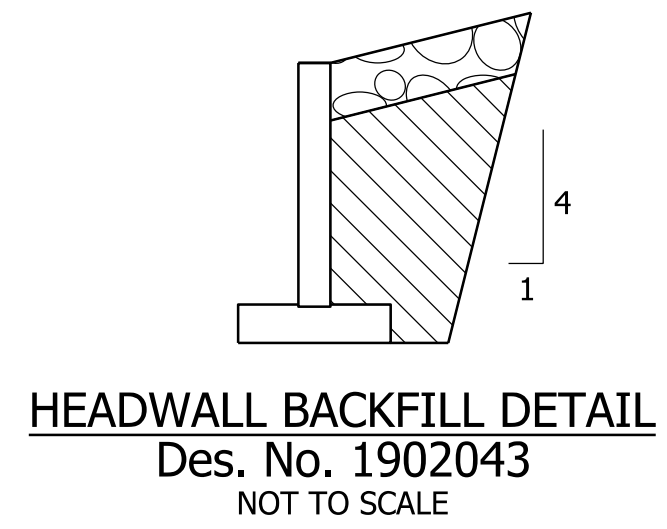
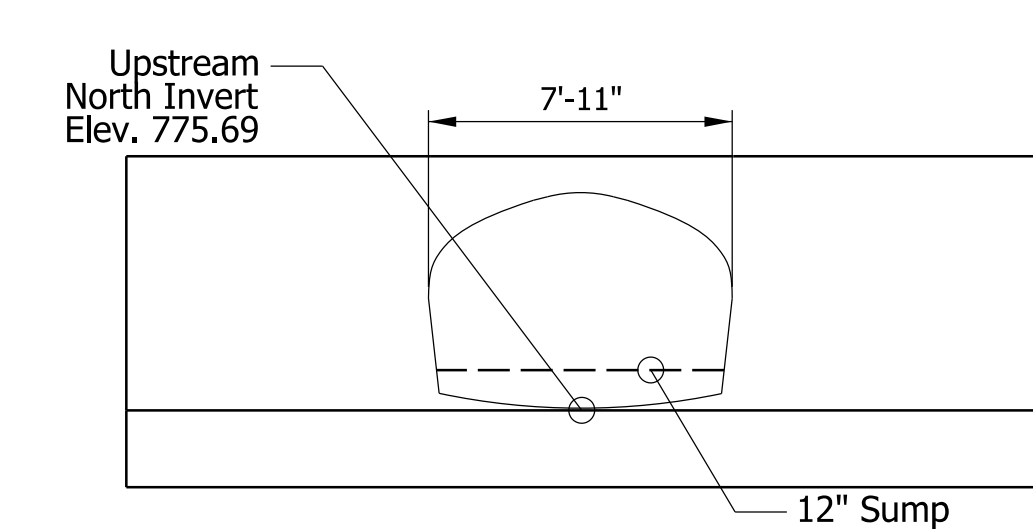
SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX°
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

HYDRAULIC DATA	
Drainage Area	241.4 ACRES
1% EP Design Discharge	223.5 CFS
1% EP Water Surface Elevation (NAVD88)	779.12 FT
Existing 1% EP Headwater Elevation (NAVD88)	786.13 FT
Proposed 1% EP Headwater Elevation (NAVD88)	781.84 FT
Existing 1% EP Backwater	5.74 FT
Proposed 1% EP Backwater	1.45 FT
Existing Waterway Area	12.14 SQ FT
Proposed Waterway Area	26.27 SQ FT
Existing 4% EP Outlet Velocity	12.70 FT/SEC
Proposed 4% EP Outlet Velocity	12.38 FT/SEC

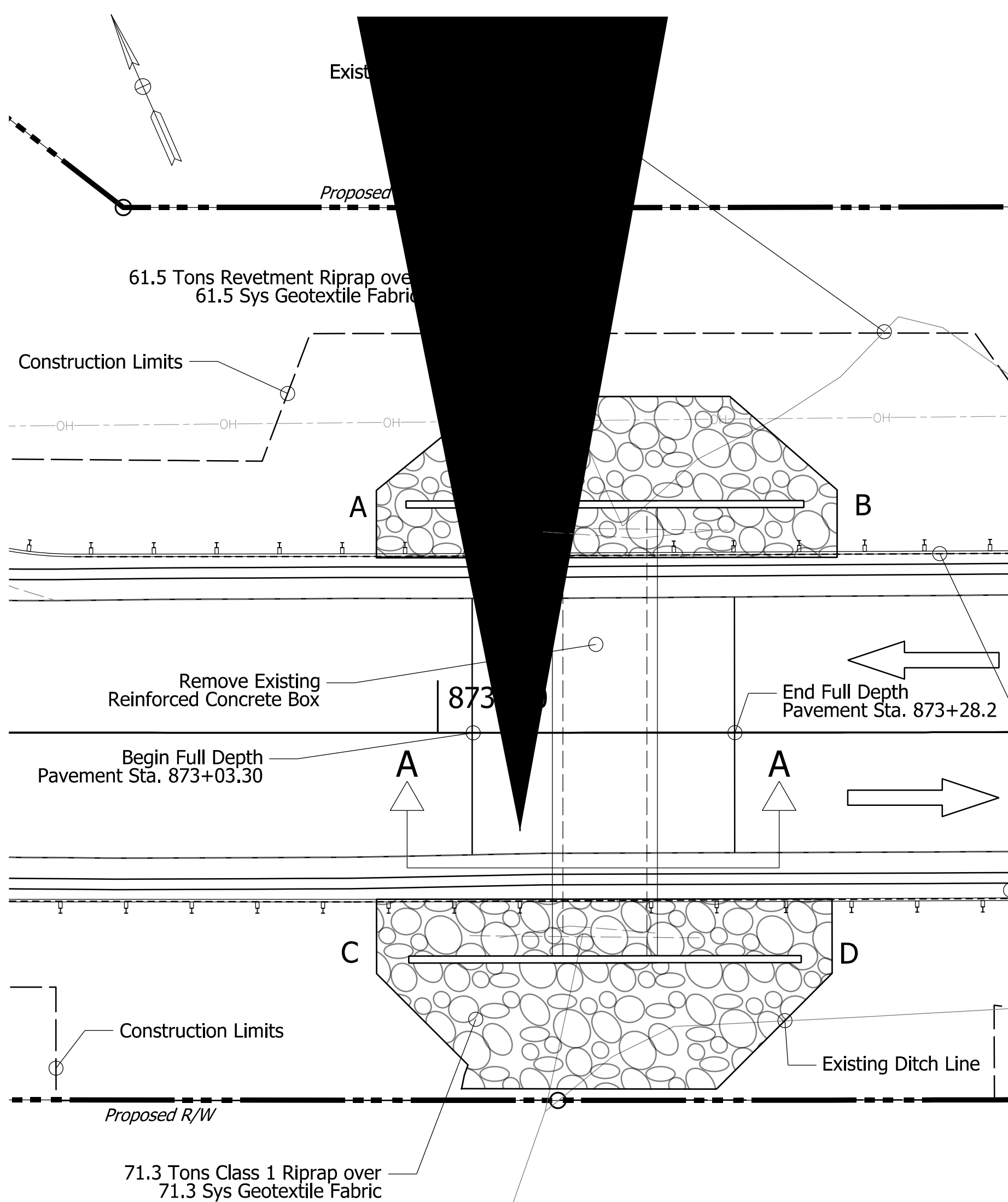
EXISTING STRUCTURE
The Existing Culvert is a 4 foot x 4 foot Corrugated Metal Pipe with Headwalls. Existing Structure is to be removed.

REVIEWER NOTE:
Data tables to be completed at Stage 2.
Terrain survey was shot using aerial LIDAR. Structure Invert elevations taken from survey spot elevations. Upstream and downstream flow lines to match existing.
Riprap to conform to natural stream channel.

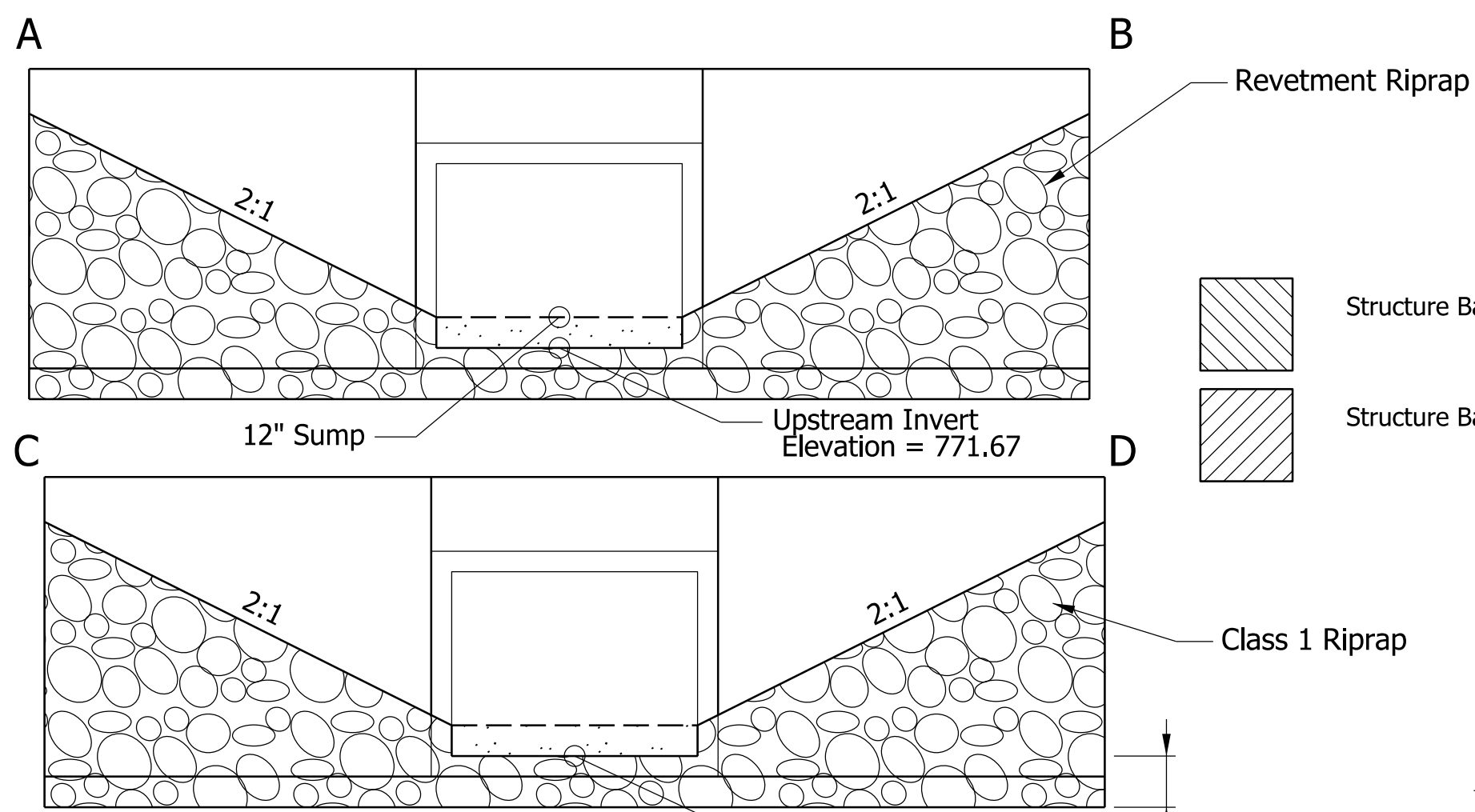


GENERAL PLAN
CORRUGATED METAL PIPE ARCH
W/ HEADWALLS
SPAN: 95" RISE: 67"
32'-0" CLEAR ROADWAY SKEW: 01°04'00"
SR 38 OVER DITCH
CLINTON COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	8/21/2020	DATE	INDIANA DEPARTMENT OF TRANSPORTATION	CULVERT ID	BRIDGE FILE
						CV 038-012-14.60
DESIGNED: KS	DRAWN: AP			CULVERT DETAILS CV 038-012-14.60	SCALE	DESIGNATION
CHECKED: JR	CHECKED: KS				NTS	1601074
					SURVEY BOOK	SHEETS
						152 of 422
					CONTRACT	PROJECT
					RS-40528	1601074



PLAN VIEW
Des. No. 1902044
NOT TO SCALE



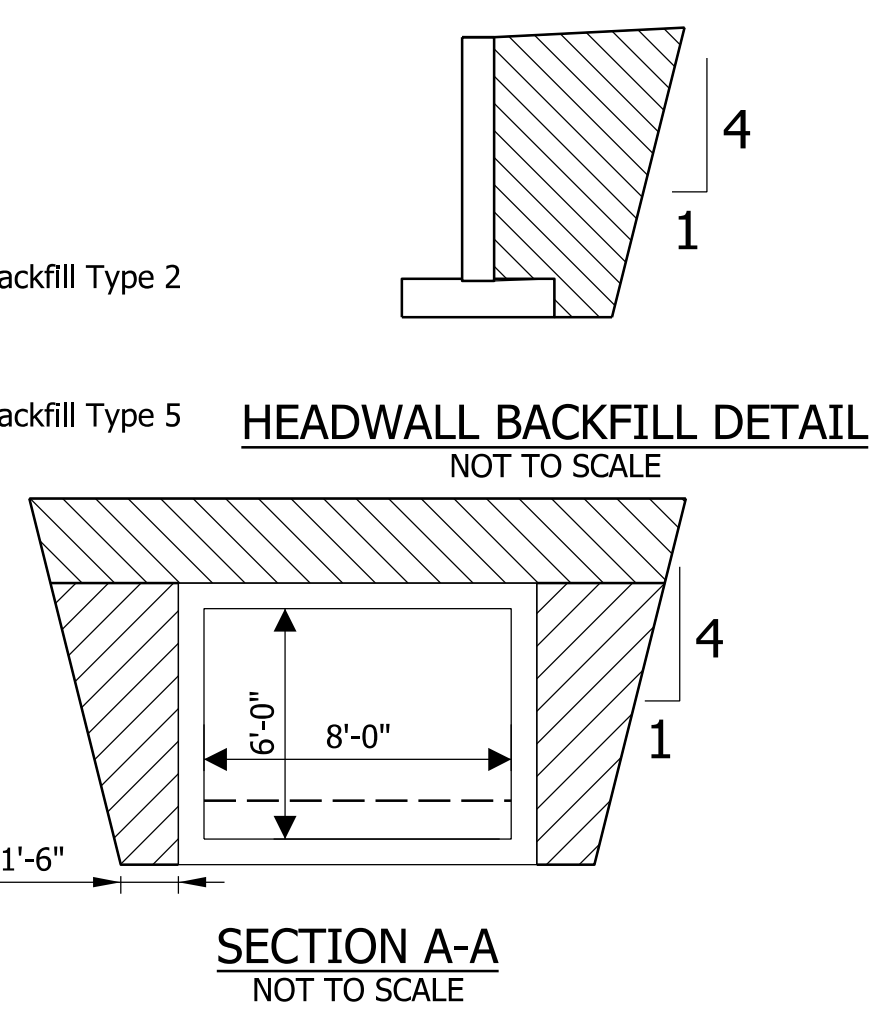
END DETAIL
Des. No. 1902044
NOT TO SCALE

WINGWALL TABLE				
Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A	780.12	772.04	13.58	109.7
B	780.12	772.04	13.58	109.7
C	779.76	771.92	13.08	102.5
D	779.76	771.92	13.08	102.5

SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

REVIEWER NOTE:
Data tables to be completed at Stage 2.
Terrain survey was shot using aerial LIDAR. Structure Invert elevations taken from survey spot elevations. Upstream and downstream flow lines to match existing.
Riprap to conform to natural stream channel.

EXISTING STRUCTURE
The Existing Culvert is a 7 foot x 5 foot Reinforced Concrete Box. Existing Structure is to be removed.

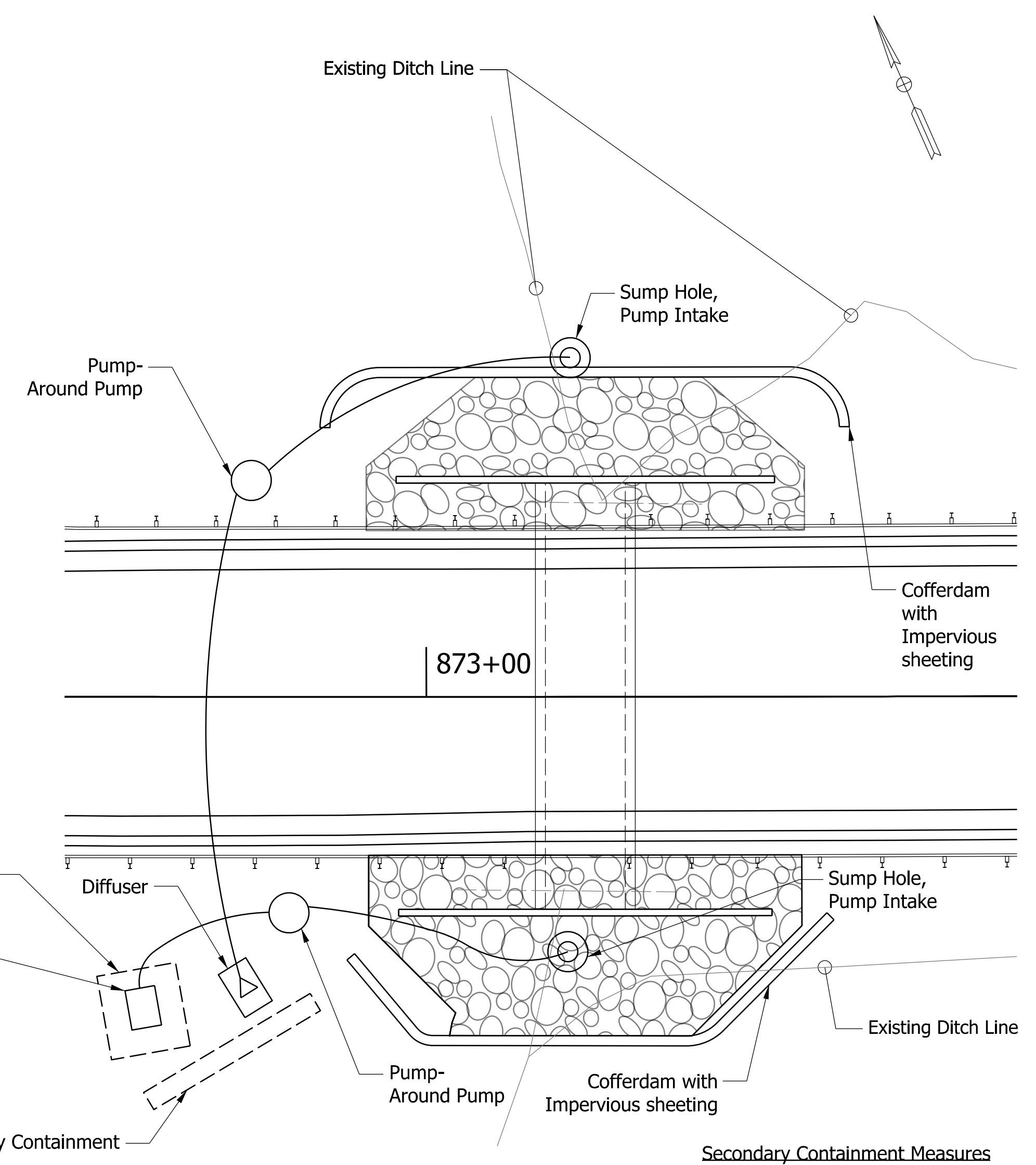


HEADWALL BACKFILL DETAIL
NOT TO SCALE

SECTION A-A
NOT TO SCALE

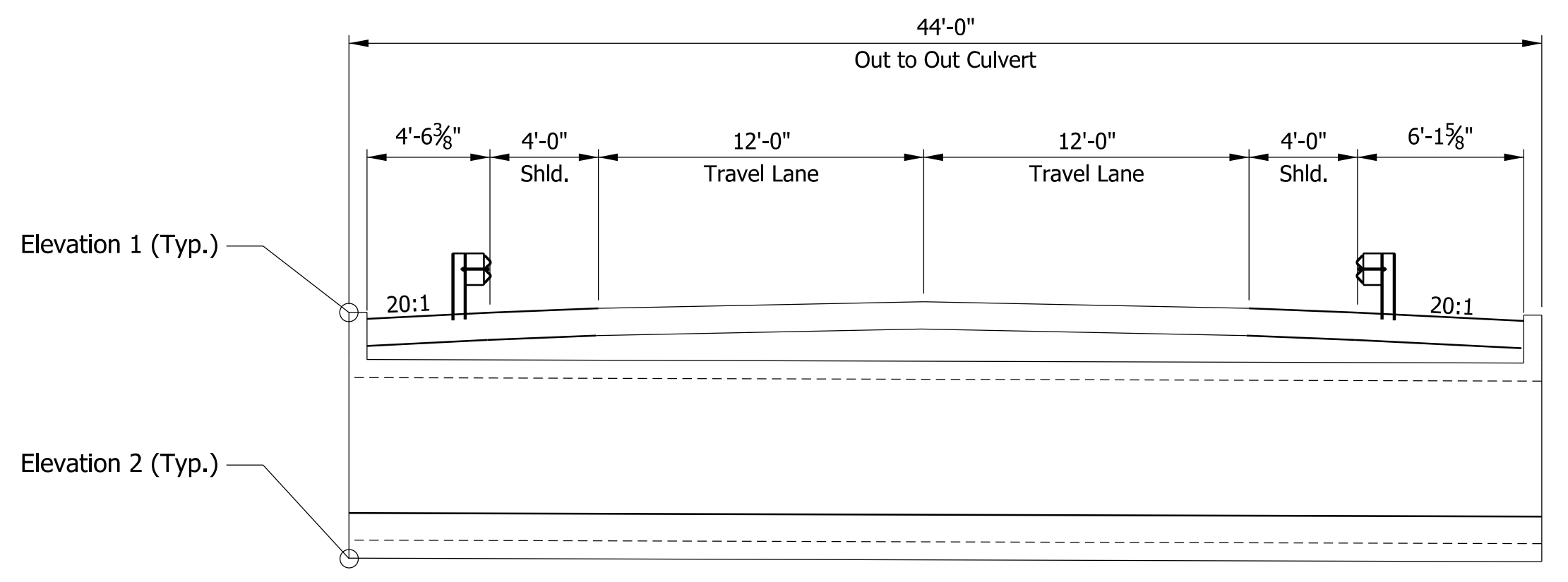
EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

HYDRAULIC DATA	
Drainage Area	1.14 SQ MI
1% EP Design Discharge	340.3 CFS
1% EP Water Surface Elevation (NAVD88)	776.66 FT
Existing 1% EP Headwater Elevation (NAVD88)	779.49 FT
Proposed 1% EP Headwater Elevation (NAVD88)	779.24 FT
Existing 1% EP Backwater	2.75 FT
Proposed 1% EP Backwater	2.50 FT
Existing Waterway Area	28.49 SQ FT
Proposed Waterway Area	32.55 SQ FT
Existing 4% EP Outlet Velocity	9.07 FT/SEC
Proposed 4% EP Outlet Velocity	7.93 FT/SEC



EROSION CONTROL DETAIL
Des. No. 1902044
NOT TO SCALE

Secondary Containment Measures
Sediment Trap
Sediment Basin
Modified Check Dam
Rock Filter Berm



TYPICAL SECTION
Des. No. 1902044
NOT TO SCALE

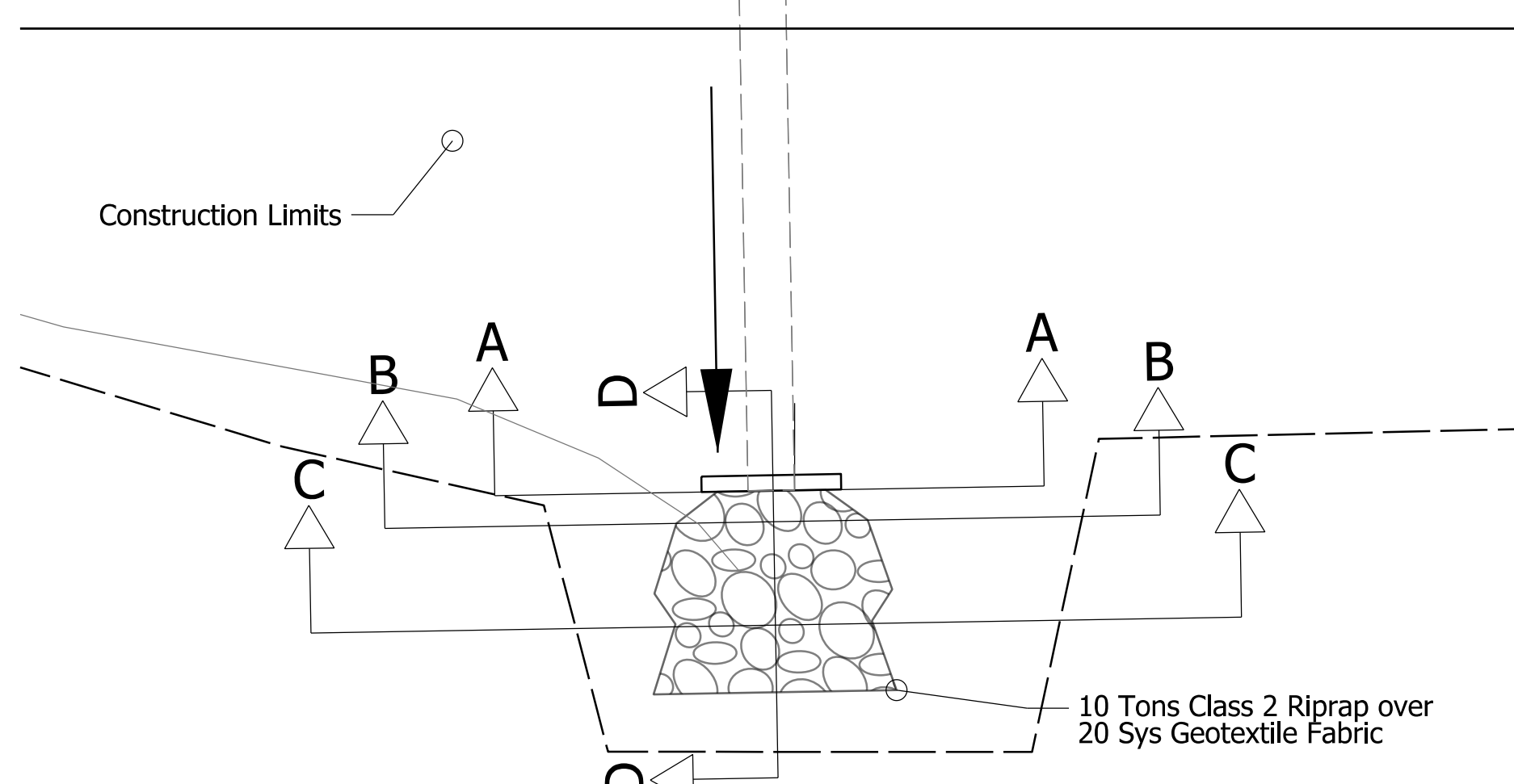
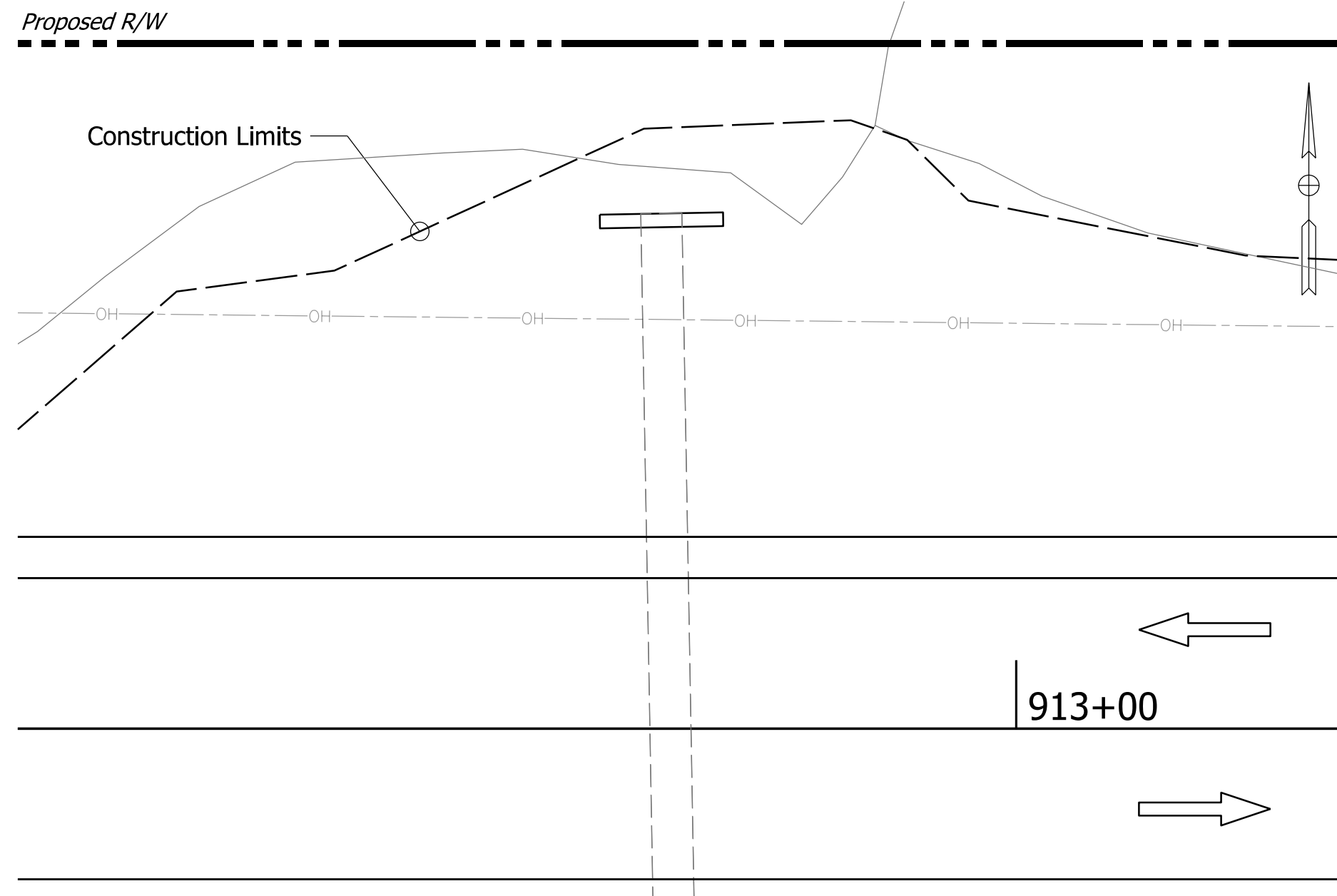
GENERAL PLAN
PRECAST REINFORCED CONCRETE FOUR SIDED STRUCTURE
SPAN: 8'-0" RISE: 6'-0"
30'-0" CLEAR ROADWAY SKEW: 00°00'00"
SR 38 OVER DITCH
CLINTON COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	DATE
		8/21/2020
DESIGNED: KS	DRAWN: AP	
CHECKED: JR	CHECKED: KS	

INDIANA
DEPARTMENT OF TRANSPORTATION

CULVERT DETAILS
CV 038-012-14.70

CULVERT ID	BRIDGE FILE
CV 038-012-14.70	1902044
SCALE	DESIGNATION
NTS	1601074
SURVEY BOOK	SHEETS
	153 of 422
CONTRACT	PROJECT
RS-40528	1601074



PLAN VIEW
Des. No. 2001747
NOT TO SCALE

WINGWALL TABLE				
Wing	ELEVATION 1	ELEVATION 2	LENGTH (FT)	AREA (SFT)
A				
B				
C				
D				

SOIL PARAMETERS FOR WINGWALL DESIGN	
Nominal Bearing Resistance (psf)	X,XXX
Resistance Factor	X.XX
Factored Bearing Resistance (psf)	X,XXX
Friction Angle Between Wingwall Footing and Foundation	XX°
Internal Friction Angle of the Foundation Soils	XX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Ultimate Cohesion of Foundation Soils (psf)	X,XXX
Nominal Friction Factor (f) at Base of Foundation	X.XX

EARTHWORK SUMMARY	
Fill +20%	
Common Excavation	
Waterway Excavation	
Borrow	
Benching	

HYDRAULIC DATA	
Drainage Area	77.5 ACRES
1% EP Design Discharge	108.6 CFS
1% EP Water Surface Elevation (NAVD88)	785.93 FT
Existing 1% EP Headwater Elevation (NAVD88)	800.38 FT
Proposed 1% EP Headwater Elevation (NAVD88)	798.22 FT
Existing 1% EP Backwater	13.48 FT
Proposed 1% EP Backwater	11.32 FT
Existing Waterway Area	6.25 SQ FT
Proposed Waterway Area	5.85 SQ FT
Existing 4% EP Outlet Velocity	12.23 FT/SEC
Proposed 4% EP Outlet Velocity	13.69 FT/SEC

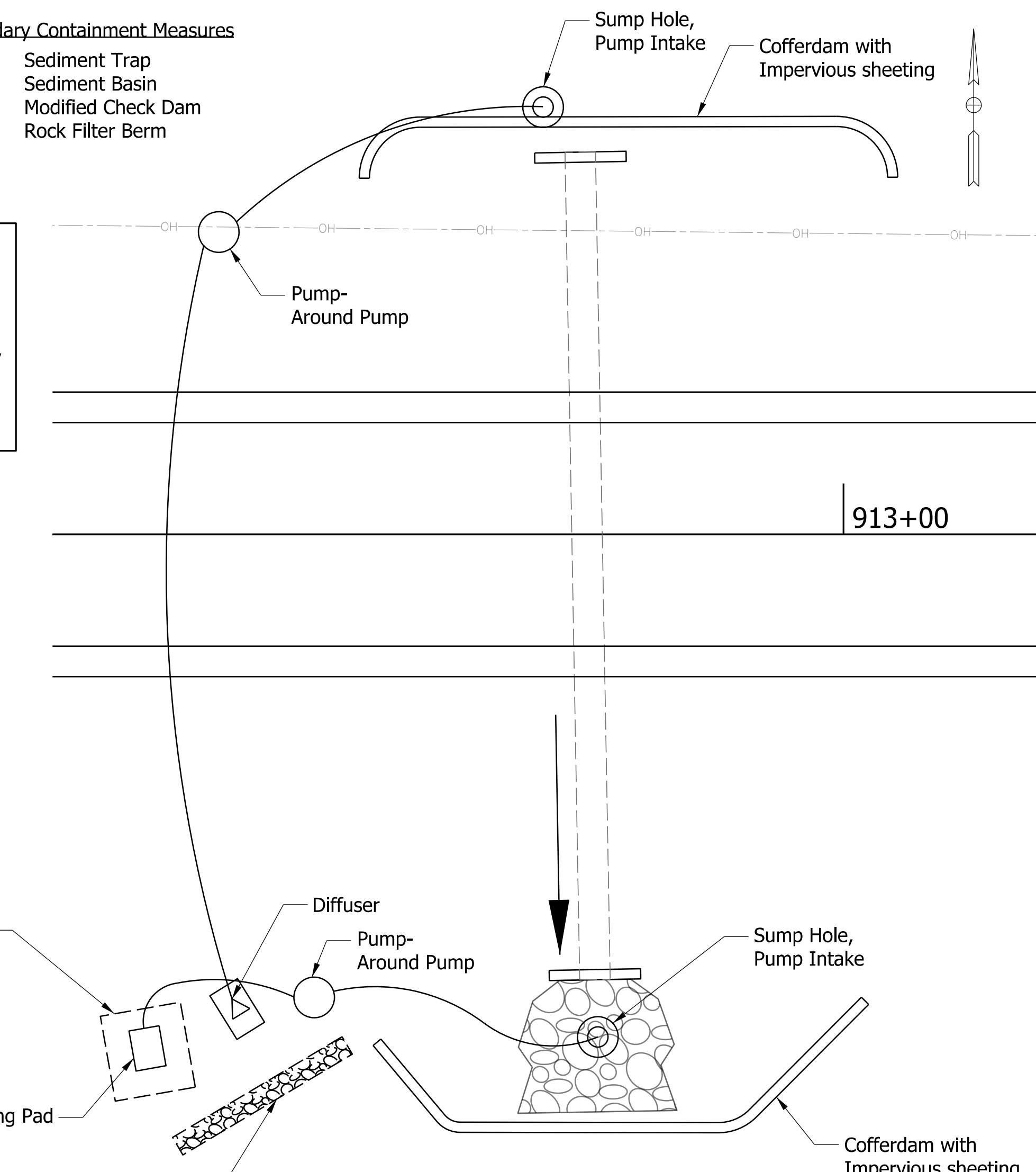
EXISTING STRUCTURE
The Existing Culvert is a 36 inch Corrugated Metal Pipe
Existing Structure to remain in place.

REVIEWER NOTE:
Data tables to be completed at a later stage.

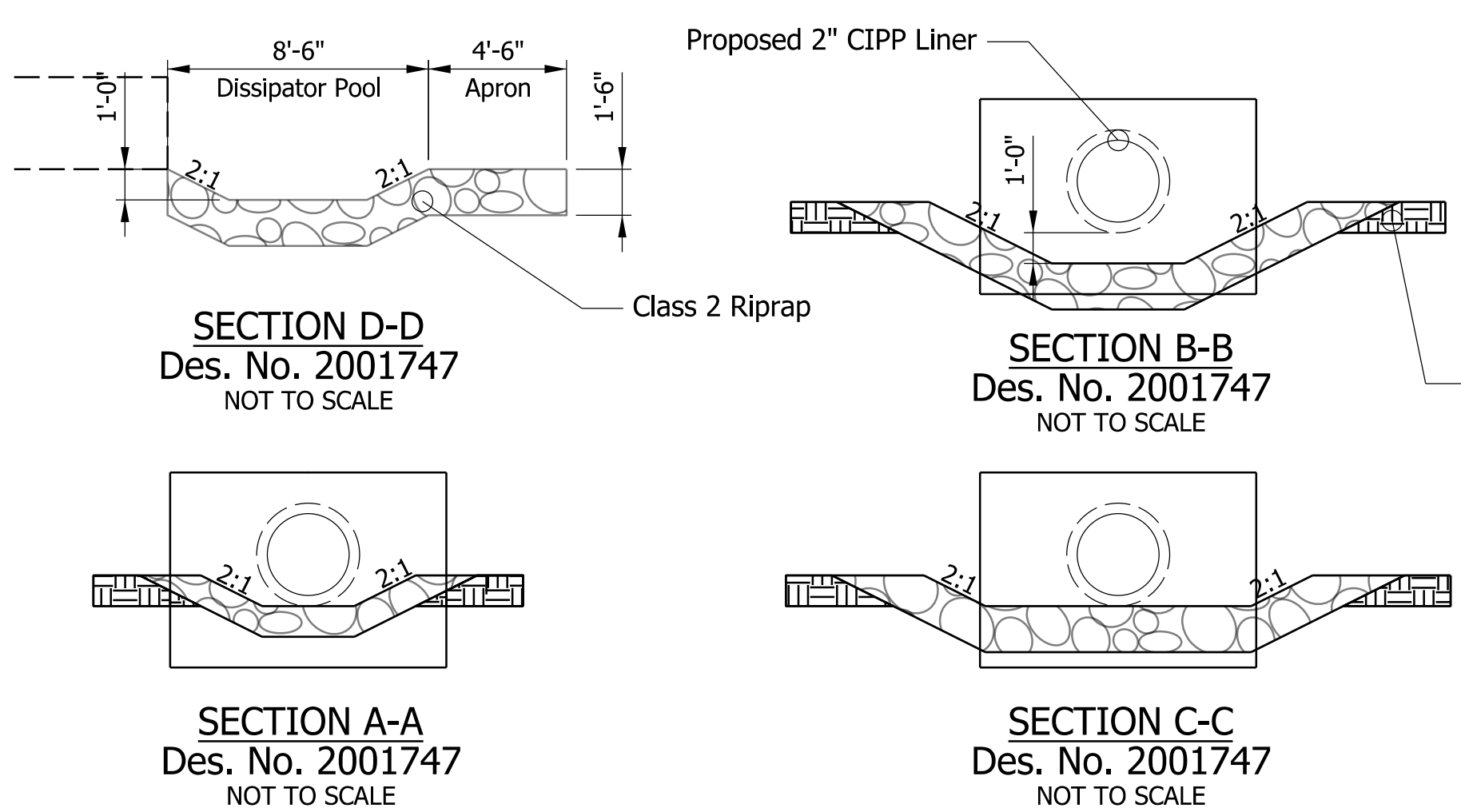
Terrain survey was shot using aerial LIDAR.
Structure Invert elevations taken from survey spot elevations. Riprap to conform to natural stream channel.

Secondary Containment Measures

- Sediment Trap
- Sediment Basin
- Modified Check Dam
- Rock Filter Berm



EROSION CONTROL DETAIL
Des. No. 2001747
NOT TO SCALE

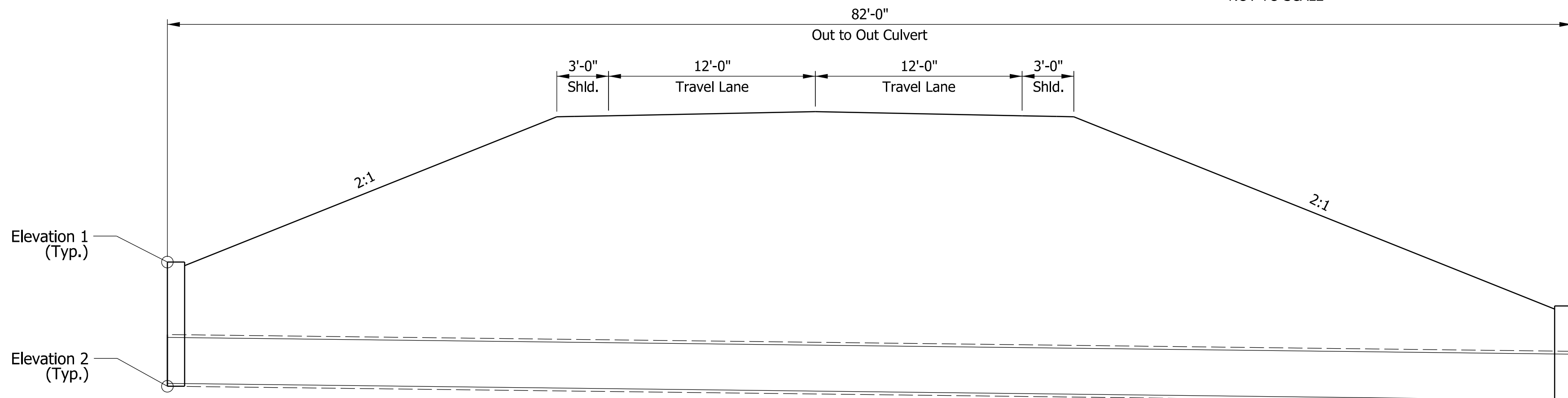


SECTION D-D
Des. No. 2001747
NOT TO SCALE

SECTION B-B
Des. No. 2001747
NOT TO SCALE

SECTION A-A
Des. No. 2001747
NOT TO SCALE

SECTION C-C
Des. No. 2001747
NOT TO SCALE



TYPICAL SECTION
Des. No. 2001747
NOT TO SCALE

Note: If lining is not feasible, hydraulically equivalent replacement options include 5' diameter smooth corrugated circular pipes with 12" sump.

GENERAL PLAN
EXISTING 36" CMP W/ HEADWALLS
AND 2-INCH CIPP LINER
30'-0" CLEAR ROADWAY SKEW: 01°13'45"
SR 38 OVER DITCH
CLINTON COUNTY

RECOMMENDED FOR APPROVAL	DESIGN ENGINEER	8/21/2020	DATE	INDIANA DEPARTMENT OF TRANSPORTATION	BRIDGE FILE	200802
	DESIGNED: KS	DRAWN: AP	CHECKED: JR		CHECKED: KS	SCALE
				CULVERT DETAILS CV 038-012-15.38	NTS	1601074
					SURVEY BOOK	SHEETS
					154	of 422
					CONTRACT	PROJECT
					RS-40528	1601074

APPENDIX C

Early Coordination

April 10, 2019

Name
Title
Agency
Address

Re: Des. No.:1601074, SR 38 HMA Overlay Minor Structural, Tippecanoe and Clinton Counties, Indiana

The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intends to proceed with projects involving a HMA overlay minor structural replacement on SR 38 in Tippecanoe and Clinton Counties. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. **Please use the above designation number and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

This project is located on SR 38 from 1.07 mi east of I-65 to US 421 (west junction) in Tippecanoe and Clinton Counties Indiana:

- Tippecanoe County: Township 22 North, Range 3 West, Sections 2, 3, 4, 9, 10, 11, 12, and 13
- Clinton County: Township 22 North, Range 2 West, Sections 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, and Township 22 North, Range 1 West, Sections 18, 19

The project will be using federal and state funds. This section of SR 38 is a 2-lane Rural Minor Arterial and Collector on non-NHS route.

Des # 1601074: The project needs (or deficiencies) include the poor structural, physical, and operational condition of the existing pavement, the last record of maintenance in 2006 in Tippecanoe County and 1986 in Clinton County. The pavement has moderate to severe transverse and longitudinal cracking, moderate rutting and raveling, and composite slab rocking/pavement. The purpose of the project is to address long term integrity of the roadway pavement, provide lateral structural support of the travel lanes, seal the pavement from water infiltration, eliminate rutting of the pavement and provide a smooth riding surface to motorists on SR 38.

The project is anticipated to require an Indiana Department of Environmental (IDEM) Individual Section 401 water quality certification, a U.S. Army Corps of Engineers (USACE) Section 404 permit under a Regional General Permit (RGP), a IDEM Rule 5 permit, and approval from the Tippecanoe County Drainage Board. Coordination with each of the permitting agencies will occur throughout the environmental process.

Land use within the project limits is a mix of residential, agricultural and light industrial. The required permanent and temporary right-of-way limits will be determined after the preliminary design is complete. At the time of this letter the designers estimate approximately 178 parcels will require permanent and /or temporary right-of-way acquisitions. The amount of land acquisition is expected to be less than 30 acres. No relocations are anticipated.

The traffic maintenance during construction of the SR 38 project would involve a full or partial closure with access to local traffic with an official state detour route for all closures of SR 38. If there is a need for closure of SR 38, the official detour (going west to east) would be:

1. I-65 north to SR 26 to US 421/SR 39, or
2. I-65 south to SR 28 to US 421/SR 39

Water and wetland determinations and a biological assessment will be conducted by Hanson Professional Services and coordinated through INDOT Ecology & Permits Office for determination of ecological resources that may be present. This project qualifies for the application of the U.S. Fish and Wildlife (USFWS) range-wide programmatic informal consultation for the Indiana bat and the northern long-eared bat and will be coordinated using the USFWS's Information for Planning and Consultation on-line determination key. Section 106 will be conducted through the INDOT Cultural Resource Office, and the results will be forwarded to the State Historic Preservation Officer for review and concurrence.

Should we not receive your response **within thirty (30) calendar days** from the date of this letter, it will be assumed that your agency feels that there will be no adverse effects incurred as a result of the proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Jason Rowley P.E, Senior Project Manager, Hanson Professional Services Inc., jrowley@hanson-inc.com, (317) 803-8960, or Brett Crutchfield, bcutchfield@ndot.IN.gov, 765-361-5621. Thank you in advance for your input.

Sincerely,



Jason Rowley, P.E.
Senior Project Manager
Hanson Professional Services, Inc.

Attachment –
Maps (Location, Aerial, Topographic)
Photographs

Attachments included in Appendix B

The following agencies received early coordination letters:

<p>Field Supervisor U.S. Fish and Wildlife Service Bloomington Indiana Field Office 620 South Walker Street Bloomington, Indiana 47403-2121 robin_mcwilliams@fws.gov</p>	<p>Melanie Castillo Field Environmental Officer Chicago Regional Office US Department of Housing & Urban Development Metcalf Fed. Bldg. 77 W. Jackson Blvd. Room 2401 Chicago, IL 60604 Melanie.H.Castillo@hud.gov</p>
<p>Robert Dirks Federal Highway Administration Room 254, Federal Office Building 575 North Pennsylvania Street Indianapolis, Indiana 46204 Robert.Dirks@dot.gov</p>	<p>Mr. Gregory McKay U.S. Army Corps of Engineers Louisville District ATTN: CELRL-RDN P.O. Box 59 Louisville, KY 40201-0059 Gregory.A.McKay@usace.army.mil</p>
<p>Rick Neilson State Conservationist Natural Resources Conservation Service 6013 Lakeside Boulevard Indianapolis, Indiana 46278 rick.neilson@in.usda.gov</p>	<p>Amy Krzton-Presson Environmental Section Manager (Supervisor) 41 W. 300 N. Crawfordsville, IN 47933 akhan@indot.in.gov</p>
<p>Indiana Geological Survey 611 North Walnut Grove Bloomington, IN 47405 IGSenvir@indiana.edu</p>	<p>Stewart Kline, P.E. Tippecanoe County Highway Department 20 N. 3rd Street 1st Floor Lafayette, IN 47901 skline@tippecanoe.in.gov</p>
<p>Environmental Coordinator Indiana Department of Natural Resources Division of Fish and Wildlife 402 West Washington Street, Rm. W273 Indianapolis, IN 46204 environmentalreview@dnr.in.gov</p>	<p>Kevin Myers Clinton County Highway Department 2095 Burlington Ave. Frankfort, IN 46041 kmyers@clintonco.com</p>
<p>Indiana Department of Environmental Management (Automatic website early coordination) http://www.in.gov/idem/5284.htm</p>	<p>Tippecanoe County Area Planning Commission 20 N. 3rd Street Lafayette, IN 47901 apc@tippecanoe.in.gov</p>
<p>Rickie Clark Manager, Public Hearings Indiana Department of Transportation 100 N. Senate Avenue, Rm. 642 Indianapolis, IN 46204 rclark@indot.in.gov with cc: to mwright@indot.in.gov</p>	<p>Mark Mills Clinton County Area Plan Commission 301 E. Clinton St. Suite 107 Frankfort, IN 46041 mmills@clintonco.com</p>

<p>Tippecanoe County Building Commission 20 N. 3rd Street Lafayette, IN 47901 buildplan@tippecanoeingov.onmicrosoft.com</p>	<p>Sheriff Robert Goldsmith Tippecanoe County Sheriff's Department 2640 Duncan Rd. Lafayette, IN 47904 rgoldsmith@tippecanoe.in.gov</p>
<p>Wm. "Smokey" Anderson Tippecanoe County Emergency Management Agency (TEMA) 629 N. 6th Street Suite J Lafayette, IN 47901 WWAnderson@tippecanoe.in.gov</p>	<p>Sheriff Richard Kelly Clinton County Sheriff's Department 301 E. Walnut St. Frankfort, IN 46041 rkelly@clintonco.com</p>
<p>Darrell Sanders Clinton County Emergency Management Agency 1859 South Jackson St. Frankfort, IN 46041-1908 dsanders@clintonco.com</p>	<p>Zach Beasley Tippecanoe County Surveyor 20 N. 3rd Street Lafayette, IN 47901 surveyor@tippecanoe.in.gov</p>
<p>Greg Miller Clinton County Emergency Management Service 1857 S. Jackson St. Frankfort, IN 46041 gmler@clintonco.com</p>	<p>Dan Sheets Clinton County Surveyor 165 Courthouse Square Frankfort, IN 46041 dsheets@clintonco.com</p>
<p>Dr. Scott Hanback Superintendent Tippecanoe County School Corporation 21 Elston Rd. Lafayette, IN 47909 shanback@tsc.k12.in.us</p>	<p>Mr. Ralph Walker Superintendent Clinton Central School Corporation 725 N. State Rd. 29 Michigantown, IN 46057 Ralph.walker@clinton.k12.in.us</p>

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-21442

Request Received: April 10, 2019

Requestor: Hanson Professional Services Inc.
Jason Rowley
7820 Innovation Boulevard, Suite 200
Indianapolis, IN 46278

Project: SR 38 HMA overlay minor structural replacement from 1.07 miles east of I-65, Dayton, to US 421 west junction, Mulberry; Des #1601074

County/Site info: Clinton - Tippecanoe

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal will require the formal approval of our agency for construction in a floodway pursuant to the Flood Control Act (IC 14-28-1), for work within the floodways of those waterways where the upstream drainage area of the project site is greater than one square mile, unless the project qualifies under the INDOT Maintenance Activity Exemption from the Flood Control and Navigable Waterways Act dated March 1997, established through a Memorandum of Understanding between INDOT and IDNR. Please include a copy of this letter with the permit application, if required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The species below have been documented within 1/2 mile of the project area, as indicated.

A) MUSSELS:

1. Round Hickorynut (*Obovaria subrotunda*), state endangered; SF Wildcat Creek
 2. Wavyrayed Lampmussel (*Lampsilis fasciola*), state special concern; Kilmore Creek
- B) MAMMAL: American Badger (*Taxidea taxus*), state special concern

Fish & Wildlife Comments: As long as erosion control measures are implemented near any waterways along the project route, we do not foresee any impacts to the mussel species above as a result of this project.

Also, Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Stream Crossing Structures:

For purposes of maintaining fish and wildlife passage through a crossing structure, the Environmental Unit recommends bridges rather than culverts and bottomless culverts rather than box or pipe culverts. Wide culverts are better than narrow culverts, and culverts with shorter through lengths are better than culverts with longer through

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

lengths. If box or pipe culverts are used, the bottoms should be buried a minimum of 6" (or 20% of the culvert height/pipe diameter, whichever is greater up to a maximum of 2') below the stream bed elevation to allow a natural streambed to form within or under the crossing structure. Crossings should: span the entire channel width (a minimum of 1.2 times the OHWM width); maintain the natural stream substrate within the structure; have a minimum openness ratio (height x width / length) of 0.25; and have stream depth, channel width, and water velocities during low-flow conditions that are approximate to those in the natural stream channel. Banklines should be restored within box and pipe structures to allow for wildlife passage above the ordinary highwater mark.

The new, replacement, or rehabbed structure, and any bank stabilization under the structure, should not create conditions that are less favorable for wildlife passage under the structure compared to the current conditions. The Division of Fish and Wildlife would like to emphasize the importance of wildlife passage issues and transportation infrastructure projects. The following is a good place to start in terms of resources to consider in the design of stream crossing structures:
<http://www.fs.fed.us/wildlifecrossings/library/>.

The following are recommended resources for designing and constructing stream crossings for maintenance of instream habitat and aquatic organism passage:
https://www.fs.fed.us/biology/nsaec/fishxing/aop_pdfs.html;
<https://www.fhwa.dot.gov/engineering/hydraulics/pubs/11008/hif11008.pdf>.

2) Bank Stabilization:

Some form of bank and/or streambed stabilization is almost always needed with the construction, repair, replacement, or modification of a stream channel or crossing structure. For streambank stabilization and erosion control, regrading to a stable slope (2:1 or shallower) and establishing native vegetation along the banks are typically the most effective techniques. A variety of methods to accomplish this include: planting plugs, whips, container stock, seeding, and live stakes. In addition to vegetation establishment, some additional level of bioengineered bank stabilization may be needed under certain circumstances (inability to regrade to a stable slope, flow velocities that exceed the limits of vegetation alone, etc.). Combining vegetation with any of the following bank stabilization methods can provide additional bank protection while not compromising benefits to fish, wildlife, and botanical resources: geotextiles (erosion control blankets and/or turf reinforcement mats that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles), vegetated geogrids or soil lifts, fiber rolls, glacial stone, or riprap. Information about bioengineering techniques can be found at <http://www.in.gov/legislative/iac/20120404-IR-312120154NRA.xml.pdf>. Additionally, the following is a link to a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization:
<http://directives.sc.egov.usda.gov/17553.wba>.

Riprap or other hard bank stabilization materials should be used only at the toe of the sideslopes up to the ordinary high water mark (OHWM) with the exception of areas directly under bridges for instance. The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. For streambed stabilization or scour protection, riprap or other stabilization materials should not be placed in the active stream channel above the existing streambed or flowline elevation. This is to prevent obstructions to the movement of aquatic organisms upstream and downstream.

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

3) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/iac/20190130-IR-312190041NRA.xml.pdf>.

Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acres may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however.

4) Wetland Habitat:

Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS Memorandum of Understanding.

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas that will not be mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in regularly mowed areas only.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
5. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Do not use broken concrete as riprap.
8. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
9. Minimize the movement of resuspended bottom sediment from the immediate project area.
10. Do not deposit or allow demolition/construction materials or debris to fall or otherwise enter the waterway.
11. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

12. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.

13. Seed and protect areas where runoff is conveyed through a channel/swale with erosion control blankets (follow manufacturer's recommendations for selection and installation) or use an appropriate structural armament; seed and apply mulch on all other disturbed areas.

14. Protect the area around and below any concentrated discharge points, down to the waterway's normal flow level, with an appropriate structural armament such as riprap.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife

Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: May 10, 2019

Organization and Project Information

Project ID: 18H0068B
Des. ID: 1601074
Project Title: SR 38 HMA Overlay minor structural replacement
Name of Organization: Hanson Professional Services Inc.
Requested by: Tamra Reece

Environmental Assessment Report

1. Geological Hazards:
 - High liquefaction potential
 - Floodway
2. Mineral Resources:
 - Bedrock Resource: High Potential
 - Sand and Gravel Resource: High Potential
3. Active or abandoned mineral resources extraction sites:
 - None documented in the area

*All map layers from Indiana Map (maps.indiana.edu)

DISCLAIMER:

This document was compiled by Indiana University, Indiana Geological Survey, using data believed to be accurate; however, a degree of error is inherent in all data. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of these data and document to define the limits or jurisdiction of any federal, state, or local government. The data used to assemble this document are intended for use only at the published scale of the source data or smaller (see the metadata links below) and are for reference purposes only. They are not to be construed as a legal document or survey instrument. A detailed on-the-ground survey and historical analysis of a single site may differ from these data and this document.

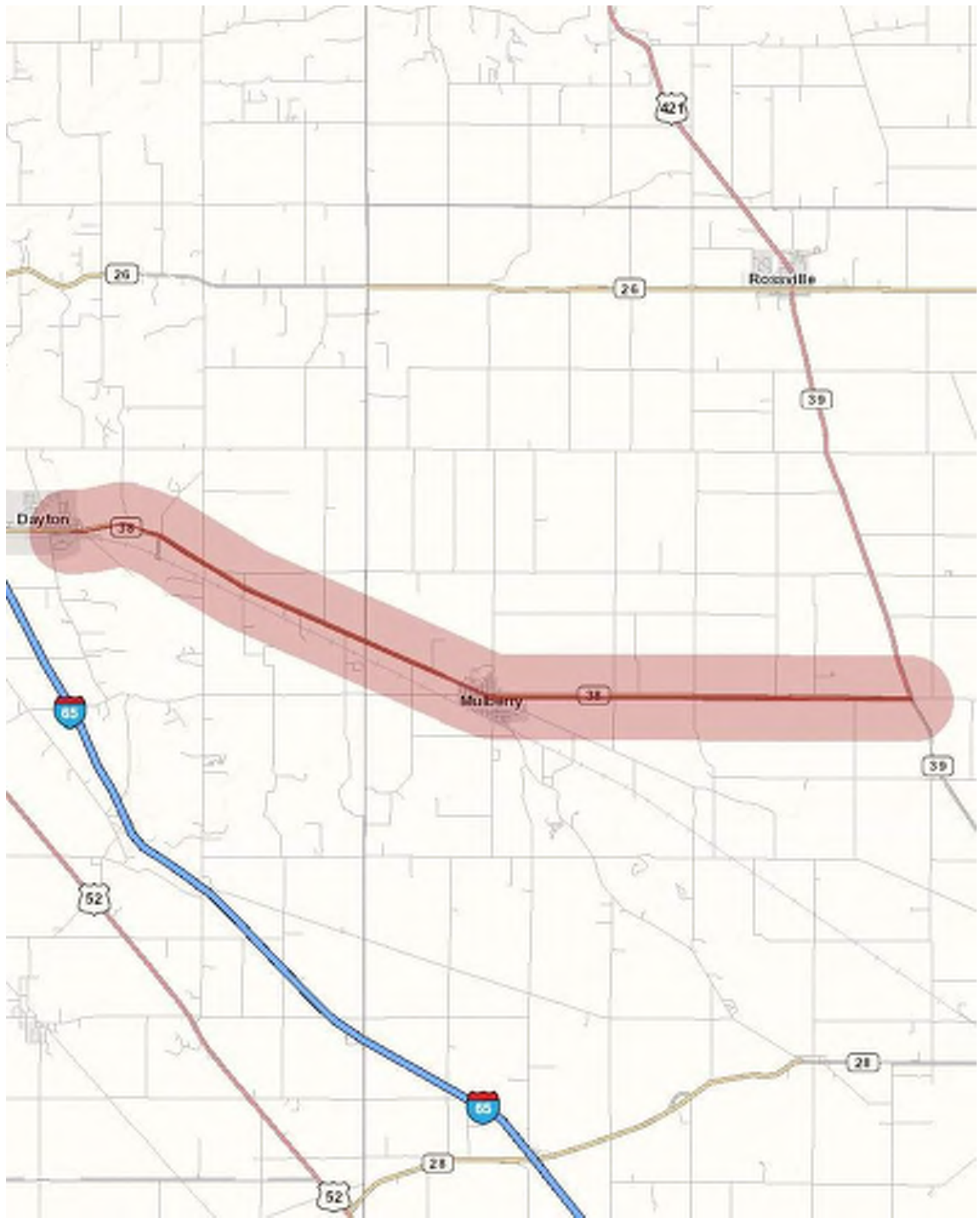
This information was furnished by Indiana Geological Survey

Address: 420 N. Walnut St., Bloomington, IN 47404

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: June 11, 2019



Metadata:

- https://maps.indiana.edu/metadata/Geology/Seismic_Earthquake_Liquefaction_Potential.html
- https://maps.indiana.edu/metadata/Geology/Industrial_Minerals_Sand_Gravel_Resources.html
- https://maps.indiana.edu/metadata/Hydrology/Floodplains_FIRM.html
- https://maps.indiana.edu/metadata/Geology/Bedrock_Geology.html

Jeff Bushur

From: Jeff Bushur
Sent: Tuesday, September 10, 2019 2:51 PM
To: 'shelby.ruffner@usda.gov'
Cc: Jason Rowley; Tamra Reece
Subject: 18H0068B, Des. No. 1601074, SR 38 - Form NRCS-CPA-106
Attachments: R10Apr_Rowley_Des No 1601074_Clinton.Tippecanoe Co.pdf; 20190807_18H0068B-Prelim-Prop-ROW.KMZ; MISC_NRCS-CPA-106- Des1601074_20190827.pdf

Mr. Ruffner,

Attached are the completed Form NRCS-CPA-106 and a kmz file of the areas of proposed ROW for the SR 38 project from Dayton to US 421 in Tippecanoe and Clinton counties, IN (Des. Nos. 1601074). Also attached is your NRCS response letter for reference. This HMA overlay minor structural replacement project will provide some shoulder widening; therefore, there will be a need to acquire right-of-way on both sides of SR 38.

Let me know if you have any questions. Thank you for your assistance with this project.

Jeff



Jeffrey Bushur | *Environmental Assessment Discipline Manager*
[Hanson Professional Services Inc.](#) | 1525 S. Sixth St. | Springfield, IL 62703
w 217-747-9231 | f 217-788-2503 | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)	3. Date of Land Evaluation Request 4/10/19	4. Sheet 1 of <u>1</u>
---	---	------------------------

1. Name of Project Des.1601074 SR 38	5. Federal Agency Involved FHWA
---	---

2. Type of Project HMA overlay & shoulder widening	6. County and State Tippecanoe and Clinton Counties, Indiana
---	---

PART II (To be completed by NRCS)	1. Date Request Received by NRCS 4/10/19	2. Person Completing Form DP
--	--	--

3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size 288 Ac
--	---

5. Major Crop(s) Corn	6. Farmable Land in Government Jurisdiction Acres: 290,266 % 90	7. Amount of Farmland As Defined in FPPA Acres: 261,770 % 81
---------------------------------	--	---

8. Name Of Land Evaluation System Used LESA	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS 6/3/19
---	---	--

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment :			
	Corridor 1	Corridor 2	Corridor 3	Corridor 4
A. Total Acres To Be Converted Directly	38.60			
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	38.60	0.00	0.00	0.00

PART IV (To be completed by NRCS) Land Evaluation Information	
A. Total Acres Prime And Unique Farmland	10.12
B. Total Acres Statewide And Local Important Farmland	0.00
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.003
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	5.0

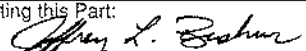
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	
	88

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	13			
2. Perimeter in Nonurban Use	10	8			
3. Percent Of Corridor Being Farmed	20	3			
4. Protection Provided By State And Local Government	20	20			
5. Size of Present Farm Unit Compared To Average	10	7			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	5			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	61	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	88			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	61	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	149	0	0	0

1. Corridor Selected: 1	2. Total Acres of Farmlands to be Converted by Project: 38.60	3. Date Of Selection: 8/15/19	4. Was A Local Site Assessment Used? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
-----------------------------------	---	---	---

5. Reason For Selection:
Corridor 1 addresses the long-term integrity of the roadway pavement, provides lateral structural support of the travel lanes, seals the pavement from water infiltration, addresses rutting of the pavement and provides a smooth riding surface, and ensure mobility of traffic on SR 38. Since this project will provide some shoulder widening, there will be a need to acquire right-of-way on both sides of SR 38. By utilizing the entire existing SR 38 corridor, impacts to farmland are minimized.

Signature of Person Completing this Part: 	DATE 8/27/19
--	------------------------

NOTE: Complete a form for each segment with more than one Alternate Corridor

June 4, 2019

Jason Rowley, P.E.
Hanson Professional Services
7820 Innovation Boulevard, Suite 200
Indianapolis, Indiana 46278

Dear Mr. Rowley:

The proposed project to proceed with an HMA overlay minor structural replacement on State Road 38 in Clinton and Tippecanoe Counties, Indiana (Des Nos 1601074), as referred to in your letter received April 10, 2019, will cause a conversion of prime farmland.

The attached packet of information is for your use competing Parts VI and VII of the AD-1006. After completion, the federal funding agency needs to forward one copy to NRCS for our records.

If you need additional information, please contact Daniel Phillips at 317-295-5871.

Sincerely,

JERRY RAYNOR Digitally signed by JERRY RAYNOR
Date: 2019.06.04 13:44:16 -04'00'

JERRY RAYNOR
State Conservationist

Enclosures



Ali Whitehead

From: McWilliams, Robin <robin_mcwilliams@fws.gov>
Sent: Thursday, April 11, 2019 9:45 AM
To: Tamra Reece
Subject: Re: [EXTERNAL] Des No 1601074 SR 38

Dear Ms. Reece,

This responds to your recent letter, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The project is within the range of the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) and should follow the new Indiana bat/northern long-eared bat programmatic consultation process, if applicable (*i.e.* a federal transportation nexus is established). We will review that information once it is received.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation. Standard recommendations are provided below.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please re-coordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812) 334-4261 x. 207.

Sincerely,
Robin McWilliams Munson

Standard Recommendations:

1. Do not clear trees or understory vegetation outside the construction zone boundaries. **(This restriction is not related to the "tree clearing" restriction for potential Indiana Bat habitat.)**
2. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.

Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottomed culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community.

3. Restrict channel work and vegetation clearing to the minimum necessary for installation of the stream crossing structure.

4. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If rip rap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.
5. Implement temporary erosion and sediment control methods within areas of disturbed soil. All disturbed soil areas upon project completion will be vegetated following INDOT's standard specifications.
6. Avoid all work within the inundated part of the stream channel (in perennial streams and larger intermittent streams) during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below Ordinary High Water Mark during this time unless the machinery is within the caissons or on the cofferdams.
7. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing.

Robin McWilliams Munson

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 46403
812-334-4261 x. 207 Fax: 812-334-4273

Monday, Tuesday - 7:30a-3:00p
Wednesday, Thursday - telework 8:30a-3:00p

On Wed, Apr 10, 2019 at 4:50 PM Tamra Reece <TReece@hanson-inc.com> wrote:

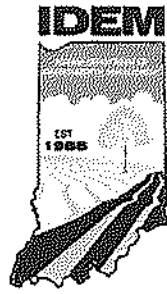
Robin:

I have enclosed for your review an early coordination letter in regards to an Indiana Department of Transportation project. Thank you in advance for your time.

Respectfully:



Tamra L. Reece | *Environmental Specialist*
[Hanson Professional Services Inc.](#) | 7820 Innovation Blvd., | Indianapolis, IN 46278
w 317-803-8958 | c 260-610-2600 | [Facebook](#) | [Twitter](#) | [LinkedIn](#)



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 North Senate Avenue - Indianapolis, IN 46204
 (800) 451-6027 - (317) 232-8603 - www.idem.IN.gov

INDOT
 N/A
 100 North Senate Avenue
 Indianapolis, IN 46204
 Date

Hanson Professional Services Inc.
 Jason Rowley
 7820 Innovation Blvd., Suite 200
 Indianapolis, IN 46278

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: The project will be using federal and state funds. This section of SR 38 is a 2-lane Rural Minor Arterial and Collector on non-NHS route. Des # 1601074: The project needs (or deficiencies) include the poor structural, physical, and operational condition of the existing pavement. The pavement has moderate to severe transverse and longitudinal cracking, moderate rutting and raveling, and composite slab rocking/pavement. The purpose of the project is to address long term integrity of the roadway pavement, provide lateral structural support of the travel lanes, seal the pavement from water infiltration, and eliminate rutting of the pavement on SR 38. The project is anticipated to require an Indiana Department of Environmental Management (IDEM) Individual Section 401 water quality certification, a U.S. Army Corps of Engineers (USACE) Section 404 permit under a Regional General Permit (RGP) No. 001, a IDEM Rule 5 permit and approval from the Tippecanoe County drainage board. Coordination with each of the permitting agencies will occur throughout the environmental process. Land use within the project limits is a mix of residential, agricultural and light industrial. The required permanent and temporary right-of-way limits will be determined after the preliminary design is complete. At the time of this letter the designers estimate approximately 178 parcels will require permanent and /or temporary right-of-way acquisitions. The amount of land acquisition is expected to be less than 85 acres. No relocations are anticipated. The traffic maintenance during construction of the SR 38 project would involve a full or partial closure with access to local traffic with an official state detour route for all closures of SR 38. If there is a need for closure of SR 38, the official detour (going west to east) would be: 1. I-65 north to SR 26 to US 421/SR 39, or 2. I-65 south to SR 28 to US 421/SR 39. Water and wetland determinations and a biological assessment will be conducted by Hanson Professional Services and coordination through INDOT Ecology & Permits Office for determination of ecological resources that may be present. This project qualifies for the application of the U.S. Fish and Wildlife Service (USFWS) range-wide programmatic informal consultation for the Indiana bat and the northern long-eared bat and will be coordinated using the USFWS's Information for Planning and Consultation on line determination Key. Section 106 will be conducted through INDOT Cultural Resource Section, and the results will be forwarded to the State Historic Preservation Officer for review and concurrence.

This letter from the Indiana Department of Environmental Management (IDEM) serves as a standardized response to enquiries inviting IDEM comments on roadway construction, reconstruction, or other improvement projects within existing roadway corridors when the proposed scope of the project is beneath the threshold requiring a formal National Environmental Policy Act-mandated Environmental Assessment or Environmental Impact Statement. As the letter attempts to address all roadway-related environmental topics of potential concern, it is possible that not every topic addressed in the letter will be applicable to your particular roadway project.

For additional information on specific roadway-related topics of interest, please visit the appropriate Web pages cited below, many of which provide contact information for persons within the various program areas who can answer questions not fully addressed in this letter. Also please be mindful that some environmental requirements may be subject to change and so each person intending to include a copy of this letter in their project documentation packet is advised to download the most recently revised version of the letter; found at: <http://www.in.gov/idem/5283.htm> (<http://www.in.gov/idem/5283.htm>).

To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this letter in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE, using the 1987 Wetland Delineation Manual.

USACE recommends that you have a consultant check to determine whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (<http://www.lrl.usace.army.mil/orf/default.asp>) (<http://www.lrl.usace.army.mil/orf/default.asp>) and then click on "Information" from the menu on the right-hand side of that page. Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that request to appear on the list, and that inclusion of any particular consultant on the list does not represent an endorsement of that consultant by the USACE, or by IDEM.

Much of northern Indiana (Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is

served by the USACE District Office in Detroit (313-226-6812). The central and southern portions of the state (large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana) are served by the USACE Louisville District Office (502-315-6733).

Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, government agencies with jurisdiction over wetlands, and other water quality issues, can be found at <http://www.in.gov/idem/4396.htm> (<http://www.in.gov/idem/4396.htm>). IDEM recommends that impacts to wetlands and other water resources be avoided to the fullest extent.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. To learn more about the Wetlands Program, visit: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>).
3. If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana. A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the OWQ Wetlands Program at 317-233-8488.
4. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. Consult the Web at: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>) for the appropriate staff contact to further discuss your project.
5. Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the following statutes:
 - IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - IC 14-28-1 Flood Control Act 310 IAC 6-1
 - IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
 - IC 14-29-4 Construction of Channels Act No related code

For information on these Indiana (statutory) Code and Indiana Administrative Code citations, see the DNR Web site at: <http://www.in.gov/dnr/water/9451.htm> (<http://www.in.gov/dnr/water/9451.htm>). Contact the DNR Division of Water at 317-232-4160 for further information.

The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.

6. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
- <http://www.in.gov/idem/4902.htm> (<http://www.in.gov/idem/4902.htm>)

To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan (<http://www.in.gov/idem/4917.htm#constreq> (<http://www.in.gov/idem/4917.htm#constreq>)), and as described in 327 IAC 15-5-6.5 (<http://www.in.gov/legislative/iac/T03270/A00150> [PDF] (<http://www.in.gov/legislative/iac/T03270/A00150.PDF>), pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (<http://www.in.gov/isda/soil/contacts/map.html> (<http://www.in.gov/isda/soil/contacts/map.html>)).

Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at: <http://www.in.gov/idem/4900.htm> (<http://www.in.gov/idem/4900.htm>).

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

7. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.

8. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
9. For projects involving effluent discharges to waters of the State of Indiana , contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
10. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits.

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations.

Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed (<http://www.in.gov/idem/4148.htm> (<http://www.in.gov/idem/4148.htm>)) under specific conditions. You also can seek an open burning variance from IDEM.

However, IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.

Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized.

Additionally, if construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.

2. The U.S. EPA and the Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. (For a county-by-county map of predicted radon levels in Indiana, visit: <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>).

The U.S. EPA further recommends that all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit:

http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf

(http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf.) It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure visit:

<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>

(<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>), <http://www.in.gov/idem/4145.htm>

(<http://www.in.gov/idem/4145.htm>), or <http://www.epa.gov/radon/index.html>

(<http://www.epa.gov/radon/index.html>).

3. With respect to asbestos removal: all facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at <http://www.in.gov/icpr/webfile/formsdiv/44593.pdf> (<http://www.in.gov/icpr/webfile/formsdiv/44593.pdf>).

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. All notification remitters will be billed on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit: <http://www.in.gov/idem/4983.htm> (<http://www.in.gov/idem/4983.htm>).

4. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978 , or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: <http://www.in.gov/isdh/19131.htm> (<http://www.in.gov/isdh/19131.htm>).
5. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2 , Asphalt Paving Rule (<http://www.ai.org/legislative/iac/T03260/A00080.PDF> (<http://www.ai.org/legislative/iac/T03260/A00080.PDF>)).
6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf (<http://www.ai.org/legislative/iac/t03260/a00020.pdf>.) New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
7. For more information on air permits visit: <http://www.in.gov/idem/4223.htm> (<http://www.in.gov/idem/4223.htm>), or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD atdem.state.in.us.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit <http://www.in.gov/idem/4998.htm> (<http://www.in.gov/idem/4998.htm>).
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If PCBs are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.

5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes (Asbestos removal is addressed above, under Air Quality).
6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: <http://www.in.gov/idem/4999.htm> (<http://www.in.gov/idem/4999.htm>).

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period.

Should the scope of the proposed project be expanded to the extent that a National Environmental Policy Act Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, IDEM will actively participate in any early interagency coordination review of the project.

Meanwhile, please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of the Indiana Department of Environmental Management regarding any project for which a copy of this letter is used. Also note that is it the responsibility of the project engineer or consultant using this letter to ensure that the most current draft of this document, which is located at <http://www.in.gov/idem/5284.htm> (<http://www.in.gov/idem/5284.htm>), is used.

Signature(s) of the Applicant

I acknowledge that the following proposed roadway project will be financed in part, or in whole, by public monies.

Project Description

The project will be using federal and state funds. This section of SR 38 is a 2-lane Rural Minor Arterial and Collector on non-NHS route. Des # 1601074: The project needs (or deficiencies) include the poor structural, physical, and operational condition of the existing pavement. The pavement has moderate to severe transverse and longitudinal cracking, moderate rutting and raveling, and composite slab rocking/pavement. The purpose of the project is to address long term integrity of the roadway pavement, provide lateral structural support of the travel lanes, seal the pavement from water infiltration, and eliminate rutting of the pavement on SR 38. The project is anticipated to require an Indiana Department of Environmental Management (IDEM) Individual Section 401 water quality certification, a U.S. Army Corps of Engineers (USACE) Section 404 permit under a Regional General Permit (RGP) No. 001, a IDEM Rule 5 permit and approval from the Tippecanoe County drainage board. Coordination with each of the permitting agencies will occur throughout the environmental

process. Land use within the project limits is a mix of residential, agricultural and light industrial. The required permanent and temporary right-of-way limits will be determined after the preliminary design is complete. At the time of this letter the designers estimate approximately 178 parcels will require permanent and /or temporary right-of-way acquisitions. The amount of land acquisition is expected to be less than 85 acres. No relocations are anticipated. The traffic maintenance during construction of the SR 38 project would involve a full or partial closure with access to local traffic with an official state detour route for all closures of SR 38. If there is a need for closure of SR 38, the official detour (going west to east) would be: 1. I-65 north to SR 26 to US 421/SR 39, or 2. I-65 south to SR 28 to US 421/SR 39. Water and wetland determinations and a biological assessment will be conducted by Hanson Professional Services and coordination through INDOT Ecology & Permits Office for determination of ecological resources that may be present. This project qualifies for the application of the U.S. Fish and Wildlife Service (USFWS) range-wide programmatic informal consultation for the Indiana bat and the northern long-eared bat and will be coordinated using the USFWS's Information for Planning and Consultation on line determination Key. Section 106 will be conducted through INDOT Cultural Resource Section, and the results will be forwarded to the State Historic Preservation Officer for review and concurrence.

With my signature, I do hereby affirm that I have read the letter from the Indiana Department of Environment that appears directly above. In addition, I understand that in order to complete that project in which I am interested, with a minimum of impact to the environment, I must consider all the issues addressed in the aforementioned letter, and further, that I must obtain any required permits.

Date: 9/1/2020

Signature of the INDOT
Project Engineer or Other Responsible Agent

Sara Heck

N/A

Date: 9/1/2020

Signature of the
For Hire Consultant

Jason Rowley

Jason Rowley



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

September 15, 2020

Consultation Code: 03E12000-2020-I-2558

Event Code: 03E12000-2020-E-10470

Project Name: SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties

Subject: Concurrence verification letter for the 'SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties

Description

The proposed project is located on SR 38, from 1.07 miles east of I-65 to US 421. The project alignment spans approximately 10.75 miles through Tippecanoe and Clinton Counties. The majority of the project area is through rural areas with the exception of the portions in the Town of Mulberry and outside the Town of Dayton. The project will be using federal and state funds. This section of SR 38 is listed as a 2-lane Rural Minor Arterial and Collector on non-NHS route.

SR 38 proposed work under Des # 1601074: For the proposed pavement for the project, the pavement design has been completed and will include full depth reclamation of existing travel lane and shoulders while providing additional 2' of widening. Areas with existing 10' shoulders and within the Town of Mulberry will receive a 1.5" of mill and HMA inlay of the travel lanes and shoulders.

In addition to the HMA inlay and shoulder replacement activities, various intersections within the Town of Mulberry will have concrete curb ramp, replaced, upgraded, or installed. This work will be completed in order to comply with current ADA standards. Various drainage structures such as pipes and culverts under and adjacent to SR 38 will be replaced, modified, or rehabilitated. The proposed amount of permanent right of way is 51.08 acres. No new permanent lighting will be installed for this project. Temporary lighting may be used during construction.

A field investigation was conducted on August 20, 2020 by Green 3, LLC. Suitable summer habitat is located within 1000 feet of the project area, in the form of small, forested areas, landscape trees within residential lawns, street trees within the Town of Mulberry, and trees surrounding the banks of some streams. There are 3.03 acres of trees scheduled for removal within 100 feet of the existing roadway. The dominant species of trees to be removed are sugar maple, silver maple, black walnut, slippery elm, hackberry, and boxelder. Removal of trees is scheduled for the off season from October 1 to March 31.

The estimated timing of work is scheduled to begin in Spring, 2022, with a standard 8-hour work schedule. Maintenance of Traffic (MOT): The preferred method of traffic maintenance will be comprised of a full closure using an official detour route. The official detour (going west to east) would be I-65 north to SR 26 to US 421/SR 39, (approximately 21.1 miles).

A review of the USFWS database by INDOT Crawfordsville District staff on February 14, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. All structures that will be replaced, modified, or rehabilitated were inspected by Green 3, LLC on August 20, 2020 and no signs of bats were observed. The project is scheduled for an October 14, 2021 letting.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) *Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

20. Are *all* trees that are being removed clearly demarcated?

Yes

21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

23. Does the project include slash pile burning?

No

24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

25. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

26. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- 8.20.20 SR 38 Structure Inspections.pdf <https://ecos.fws.gov/ipac/project/IRQND6QFEFGEBLXJWCAZKKWVXE/projectDocuments/23369317>

27. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

28. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

29. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

30. Will the project involve the use of **temporary** lighting *during* the active season?

Yes

31. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **temporary** lighting will be used?

Yes

32. Will the project install new or replace existing **permanent** lighting?

No

33. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

34. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

35. Will the project raise the road profile **above the tree canopy**?

No

36. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

37. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

38. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

39. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

40. General AMM 1

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

41. Tree Removal AMM 1

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

42. Tree Removal AMM 3

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

43. Tree Removal AMM 4

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

44. Lighting AMM 1

Will *all* **temporary** lighting be directed away from suitable habitat during the active season?

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

3.03

4. Please describe the proposed bridge work:

Various drainage pipes and culverts will be replaced, modified, or rehabilitated as part of this project.

5. Please state the timing of all proposed bridge work:

Project work to begin in Spring 2022

6. Please enter the date of the bridge assessment:

8/20/20

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

September 08, 2020

Consultation Code: 03E12000-2020-SLI-2558

Event Code: 03E12000-2020-E-10256

Project Name: SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you

determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

(812) 334-4261

Project Summary

Consultation Code: 03E12000-2020-SLI-2558

Event Code: 03E12000-2020-E-10256

Project Name: SR 38 Roadway Project, Des. 1601074, Tippecanoe and Clinton Counties

Project Type: TRANSPORTATION

Project Description: The proposed project is located on SR 38, from 1.07 miles east of I-65 to US 421. The project alignment spans approximately 10.75 miles through Tippecanoe and Clinton Counties. The majority of the project area is through rural areas with the exception of the portions in the Town of Mulberry and outside the Town of Dayton. The project will be using federal and state funds. This section of SR 38 is listed as a 2-lane Rural Minor Arterial and Collector on non-NHS route.

SR 38 proposed work under Des # 1601074: For the proposed pavement for the project, the pavement design has been completed and will include full depth reclamation of existing travel lane and shoulders while providing additional 2' of widening. Areas with existing 10' shoulders and within the Town of Mulberry will receive a 1.5" of mill and HMA inlay of the travel lanes and shoulders.

In addition to the HMA inlay and shoulder replacement activities, various intersections within the Town of Mulberry will have concrete curb ramp, replaced, upgraded, or installed. This work will be completed in order to comply with current ADA standards. The proposed amount of permanent right of way is 51.08 acres. No new permanent lighting will be installed for this project. Temporary lighting may be used during construction.

A field investigation was conducted on August 20, 2020 by Green 3, LLC. Suitable summer habitat is located within 1000 feet of the project area, in the form of small, forested areas, landscape trees within residential lawns, street trees within the Town of Mulberry, and trees surrounding the banks of some streams. There are 3.03 acres of trees scheduled for removal within 100 feet of the existing roadway. The dominant species of trees to be removed are sugar maple, silver maple, black walnut, slippery elm, hackberry, and boxelder. Removal of trees is scheduled for the off season from October 1 to March 31.

The estimated timing of work is scheduled to begin in Spring, 2022, with a standard 8-hour work schedule. Maintenance of Traffic (MOT): The preferred method of traffic maintenance will be comprised of a full

closure using an official detour route. The official detour (going west to east) would be I-65 north to SR 26 to US 421/SR 39, (approximately 21.1 miles).

A review of the USFWS database by INDOT Crawfordsville District staff on February 14, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. All structures that will be replaced, modified, or rehabilitated were inspected by Green 3, LLC on August 20, 2020 and no signs of bats were observed. The project is scheduled for an October 14, 2021 letting.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.35975477567196N86.71088027956891W>



Counties: Clinton, IN | Tippecanoe, IN

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/1/office/31440.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Incidental take of the NLEB is not prohibited here. Federal agencies may consult using the 4(d) rule streamlined process. Transportation projects may consult using the programmatic process. See www.fws.gov/midwest/endangered/mammals/nleb/index.html Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

<u>Str #</u>	<u>Des #</u>	<u>Station</u>	<u>Material</u>	<u>Shape</u>	<u>Width (")</u>	<u>Evidence of Bats/Birds</u>	<u>Work Type + Structure ID (if available)</u>
393	1601074	393+30	CMP	Round	15	No	Replace Pipe
495	1601074	494+46	CMP	Round	16	No	Add Extension, CLV-038-079-7.58
496	1601074	495+95	CMP	Round	15	No	Replace Pipe
500	1601074	500+25	CMP	Round	15 & 18x14	No	New Size
503	1601074	503+13	RCP	Round	12	No	Replace Pipe
504	1601074	503+80	RCP	Round	12	No	Replace Pipe
505	1601074	504+70	CMP	Round	15	No	Replace Pipe
506	1601074	506+31	CMP	Round	15	No	Replace Pipe
507	1601074	506+43	CMP	Round	15	No	Replace Pipe
514	2000800	514+23	Box Culvert W/ CMP	Box/Rd.	42" box w/ 24" insert	No	New Size, CLV-038-079-7.58
515	1601074	514+67	RCP	Round	12	No	New Size
519	1601074	519+43	CMP	Round	24	No	Replace Pipe
524	1601074	524+37	CMP	Round	24	No	Replace Pipe
535	1601074	534+62	CMP	Round	12	No	New Size
538	1601074	538+70	RCP	Round	15	No	Replace Pipe
540	1601074	539+87	CMP	Round	15	No	New Size, CLV- 038-079-8.43
559	1601074	559+02	RCP	Round	10	No	Replace Pipe
561	2000802	562+04	CMP	Elliptical	2-32x24	No	New Size, CLV-038-079-8.85
573	1601074	573+23	CMP	Round	12	No	New Size
582	1601074	582+73	CMP	Round	15	No	New Size, CLV-038-079-9.25
586	1601074	586+26	CMP	Round	10	No	Replace Pipe
589	1601074	589+14	CMP	Round	12	No	Replace Pipe
590	1601074	590+37	CMP	Round	10	No	Replace Pipe
591	1601074	590+70	RCP	Round	12	No	Remove Pipe
592	1601074	591+81	RCP	Round	10	No	Replace Pipe
593	1601074	592+49	RCP	Round	10	No	Replace Pipe
594	1601074	593+86	CMP	Round	12	No	New Size
601	1601074	601+41	CMP	Round	15	No	New Size, CLV-038-012-9.6
608	1601074	608+40	CMP	Round	10	No	Remove Pipe
630	1601074	630+25	V-Clay	Round	24	No	New Material, CLV-038-012-10.15
631	1601074	630+22	RCP	Round	12	No	Replace Pipe

634	1902042	633+66	CMP	Elliptical	87x71	No	Pipe to Be Lined, CV-038-012-10.20
645	1601074	644+55	CMP	Round	10	No	New Size
646	1601074	647+02	CMP	Round	18	No	Add Extension
650	1601074	650+75	CMP	Round	12	No	New Size
656	1601074	656+18	CMP	Round	15	No	Add Extension, CLV-038-012-10.64
714	1601074	713+93	CMP	Round	15	No	Replace, CLV-038-012-11.65
721	2001746	720+75	CMP	Round	30	No	Replace Size, CLV-038-012-11.87
727	1601074	726+87	CMP	Round	15	No	Replace Pipe
733	1601074	732+67	CMP	Round	18	No	Add Extension, CLV-038-012-12.09
743	1601074	743+40	CMP	Round	12	No	Replace Pipe
751	1601074	751+52	RCP	Round	36	No	Replace Pipe
752	1601074	752+25	CMP	Round	15	No	Replace Pipe
758	1601074	758+42	CMP	Round	15	No	Replace Pipe
765	1601074	765+13	CMP	Round	15	No	New Size, CLV-038-012-12.73
766	1601074	766+32	CMP	Round	15	No	Replace In-Kind, CLV-038-012-12.74
783	1601074	782+70	CMP	Round	8	No	Replace Pipe
793	1601074	793+15	CMP	Round	15	No	Replace Pipe
802	1601074	802+03	CMP	Round	18	No	New Size, CLV-038-012-13.41
803	1601074	803+42	CMP	Round	15	No	Replace Pipe
807	1601074	807+37	CMP	Round	18	No	New Size, CLV-038-012-13.21
817	1601074	817+20	CMP	Round	14	No	Replace Pipe
822	1601074	821+78	CMP	Round	8	No	New Size, CLV-038-012-13.78
832	1601074	832+30	CMP	Round	15	No	Replace Pipe
833	1601074	832+30	CMP	Round	15	No	Replace Pipe
837	1601074	837+02	CMP	Round	18	No	Add Extension, CLV-038-012-14.07
843	1601074	843+56	CMP	Round	15	No	Replace Pipe
845	1601074	845+02	RCP	Round	12	No	Replace Pipe
851	1601074	851+40	CMP	Round	18	No	Add Extension, CLV-038-012-14.35
854	1601074	854+35	C-Basin	Round	16	No	Replace with Inlet Type E, IMB-038-012-14.41
854A	1601074	854+35	CMP	Round	15	No	Replace Pipe
864	1902043	864+21	CMP	Round	48	No	Replace In-Kind, CV-038-012-14.60

870	1601074	870+70	CMP	Round	18	No	Add Extension, CLV-038-012-14.72
871	1601074	871+62	CMP	Round	24	No	Add Extension
873	1902044	873+16	RC - Box	Box	74x60	Barn Swallow Nest Observed	New Size, CV-038-012-14.70
878	1601074	878+05	CMP	Round	12	No	Replace Pipe
879	1601074	878+63	CMP	Round	14	No	Replace Pipe
880	1601074	880+19	CMP	Round	12	No	Replace Pipe
884	1601074	883+90	CMP	Round	12	No	Replace Pipe
886	1601074	886+00	RCP	Round	12	No	New Size
896	1601074	895+46	CMP	Round	15	No	Add Extension, CLV-038-012-15.19
897	1601074	896+97	CMP	Round	14	No	New Size, CLV-038-012-15.21
901	1601074	900+68	CMP	Round	12	No	Replace Pipe
906	1601074	905+88	Plastic Pipe W/ Liner	Round	24	No	Add Rip-rap, CLV-038-012-15.39
913	2001747	912+75	CMP	Round	36	No	Pipe to Be Lined,
917	1601074	916+82	CMP	Round	14	No	Replace Pipe
922	1601074	921+96	CMP	Elliptical	23x21	No	New Size, CLV-038-012-15.69
923	1601074	923+11	CMP	Round	14	No	Replace Pipe
933	1601074	933+15	CMP	Round	14	No	New Size, CLV-038-012-15.91
938	1601074	938+17	RCP	Round	14	No	Replace Pipe
945	1601074	944+70	CMP	Round	14	No	Replace Pipe
947	1601074	946+89	CMP	Round	24	No	Add Extension, CLV-038-012-16.17
948	1601074	948+53	CMP	Round	8	No	New Size

APPENDIX D

Section 106 of the NHPA

AFFP

Public Notice Des. No. 1601074

Affidavit of Publication

STATE OF IN }
COUNTY OF CLINTON } SS

Public Notice Des. No. 1601074

The Indiana Department of Transportation (INDOT) is planning to undertake a road rehabilitation project, funded in part by the Federal Highway Administration (FHWA). The project is located on State Road (SR) 38 from 1.18 miles east of I- 65 to the north junction of U.S. 421 in both Tippecanoe and Clinton counties, Indiana.

Shaina Shirar, being duly sworn, says:

Under the preferred alternative, the proposed project will mill and overlay the roadway throughout the corridor; shoulder widening, and the installation of guardrail will be constructed where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway and parking lanes, construct new pavement markings for crosswalks, and replace curbs and curb ramps as appropriate. Erosion control measures may be constructed throughout the eastern end of the proposed project area located 800 ft. east of CR North 500 West to North Junction of SR 38 and US 421. It is anticipated that 93 small structures will be removed and replaced or extended. It is anticipated that the project will require approximately 51.08 acres of permanent and 0.4 acre of temporary right-of-way acquisition. No relocations are expected for this project. The anticipated letting date is October 2021; however, this date may change to March/April 2022.

That she is A CUSTOMER SERVICE REP of the THE TIMES, a Daily newspaper of general circulation, printed and published in FRANKFORT, CLINTON County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

There are no properties listed in the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE). The proposed action does impact properties eligible for the NRHP: the Mulberry Commercial Historic District and the Trinity Reformed Church, 213 E. Jackson St. INDOT, on behalf of the FHWA, has issued a "No Adverse Effect" finding for the project because the project will not diminish the integrity of the characteristics that qualify the historic properties within the APE for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.

October 03, 2020

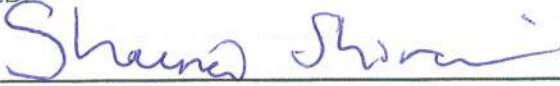
11(e) can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. Persons with limited internet access may request project information may request project information be mailed by notifying the contact listed below. This documentation serves as the basis for the "No Adverse Effects" finding. The views of the public on this effect finding are being sought. Please reply with any comments or requests to Karen Wood, Green 3, LLC, 1104 Prospect Street, Indianapolis, IN 46203, 317.634.4110 or kwood@sjcainc.com no later than November 3, 2020.

Publisher's Fee: \$ 47.35

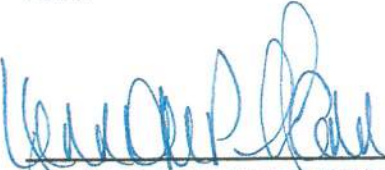
In accordance with the "Americans with Disabilities Act", if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact Sara Heck at 765-361-5231 or sheck@indot.in.gov. October 3, 2020 hspaxlp

That said newspaper was regularly issued and circulated on those dates.

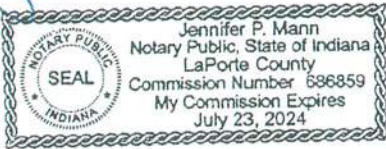
SIGNED:



Subscribed to and sworn to me this 3rd day of October 2020.



Jennifer P. Mann, Notary Public 07/23/2024



60197679 61152108

SJCA Inc.
1104 Prospect St.
Indianapolis, IN 46203

Public Notice
Des. No. 1601074

The Indiana Department of Transportation (INDOT) is planning to undertake a road rehabilitation project, funded in part by the Federal Highway Administration (FHWA). The project is located on State Road (SR) 38 from 1.18 miles east of I-65 to the north junction of U.S. 421 in both Tippecanoe and Clinton counties, Indiana.

Under the preferred alternative, the proposed project will mill and overlay the roadway throughout the corridor; shoulder widening, and the installation of guardrail will be constructed where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway and parking lanes, construct new pavement markings for crosswalks, and replace curbs and curb ramps as appropriate. Erosion control measures may be constructed throughout the eastern end of the proposed project area located 800 ft. east of CR North 500 West to North Junction of SR 38 and US 421. It is anticipated that 93 small structures will be removed and replaced or extended. It is anticipated that the project will require approximately 51.08 acres of permanent and 0.4 acre of temporary right-of-way acquisition. No relocations are expected for this project. The anticipated letting date is October 2021; however, this date may change to March/April 2022.

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In accordance with the “Americans with Disabilities Act”, if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact Sara Heck at 765-361-5231 or sheck@indot.in.gov.

Karen Wood

From: Karen Wood
Sent: Thursday, October 1, 2020 1:22 PM
To: McCord, Beth K; John Carr
Cc: Alexander, Kelyn; Branigin, Susan; akumar@indot.in.gov; Jason Rowley; Tamra Reece
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton counties, Indiana
Attachments: SR38_Des1601074_reportdistribletter_2020-10-1.pdf

Des. No.: 1601074
Project Description: Road Rehabilitation Project
Location: Tippecanoe and Clinton counties, Indiana

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 38 Road Rehabilitation Project, Des. No. 1601074.

INDOT, on behalf of FHWA, has signed a determination of "No Adverse Effect" for this Section 106 undertaking. In accordance with 36 CFR 800.4(d), you and the other consulting parties that responded to the early coordination letter are being provided the documentation for this finding. You can view the determination of "No Adverse Effect" electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Sincerely,

Karen Wood
Environmental and Cultural Resources Manager
SJCA Inc.
1104 Prospect St.
Indianapolis, IN 46203
T (317) 634-4110
C (317) 847-9856
kwood@sjcainc.com



"Let the science and research of the historian find the fact and let his imagination and art make clear its significance."

George Trevelyan

Karen Wood

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Thursday, October 1, 2020 2:05 PM
To: thpo@estoo.net; Diane Hunter; lpappenfort@peoriatribe.com; Matthew.Bussler@pokagonband-nsn.gov; tonya@shawnee-tribe.com; michael.laronge@fcpotawatomi-nsn.gov
Cc: Miller, Shaun (INDOT); Allen, Michelle (FHWA); Karen Wood; Branigin, Susan; Kumar, Anuradha
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton counties, Indiana
Attachments: SR38_Des1601074_reportdistribletter_2020-10-1.pdf

Des. No.: 1601074
Project Description: Road Rehabilitation Project
Location: Tippecanoe and Clinton counties, Indiana

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Thank you in advance for your input,

Kelyn Alexander

Historian

Cultural Resources Office

Environmental Services

100 N. Senate Ave., Room N642-ES

Indianapolis, IN 46204

Office: (317) 234-4147

Email: kalexander3@indot.in.gov

**** Historic Property Report (HPR) guidelines can be found [here](#)**

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

October 1, 2020

This letter was sent to the listed parties.

RE: SR 38 Road Rehabilitation Project, Tippecanoe and Clinton counties, Indiana, Des. No. 1601074; DHPA No. 24156

Dear Consulting Party,

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 38 Road Rehabilitation Project, Des. No. 1601074.

This letter is part of the Section 106 review process for this project. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. We are requesting comments from you regarding the possible effects of this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

A Section 106 early coordination letter was distributed to consulting parties on July 19, 2019. A Historic Property Report and Archaeology Report (Tribes only) were distributed on April 30, 2020 to consulting parties for review and comment.

The proposed undertaking is on State Route (SR) 38 from 1.18 miles east of I-65 to the north junction of U.S. 421 in both Tippecanoe County and Clinton County, Indiana. Specifically, the project is located in Sheffield Township of Tippecanoe County, and Madison Township of Clinton County in the Stockwell, Lafayette East, Pymont, Mulberry, and Frankfort USGS Quadrangles in Sections 3, 4, 10, 11, 12, and 13, Township 22 North, Range 3 West; Sections 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 Township 22 North, Range 2 West; and Sections 18 and 19, Township 22 North, Range 1 West. The project length is 10.75 miles.

The need of the project is due to the poor structural, physical, and operational condition of the existing pavement, which includes moderate to severe transverse and longitudinal cracking, and moderate rutting and raveling. The purpose of the project is to address the deficiencies of the roadway to provide an improved pavement structure and riding surface. SR 38 consists of a single travel lane in each direction. Pavement width is approximately 24 feet (ft.), consisting of two 12-foot-lanes with shoulders varying from 0-10 ft.

Under Des. No. 1601074, the project proposes to mill and overlay the roadway throughout the corridor; shoulder widening, and the installation of guardrail will be constructed where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway and parking lanes, construct new pavement markings for travel lanes, on-street parking, and crosswalks, and replace curbs and curb ramps as appropriate. Erosion control measures such as riprap or a 3 ft. to 5 ft. tall mechanically stabilized earth (MSE) or sheet pile wall may be constructed throughout the eastern end of the proposed project area located 800 ft. east of CR North 500 West to North Junction of SR 38 and US 421. There are two bridges within the project area (#38-79-

6731 and #38-12-6199); it is anticipated that no work will occur on the bridges and pavement exceptions are expected for the approaches and the bridge decks.

Originally, five (5) additional Des. Numbers were bundled under Des. No. 1601074, which involve the maintenance and repair of the following five (5) small structures:

- Des. No. 1902042, CV-038-012-10.20 located 6.20 mi W of N. Jct. of US 421/SR 39
- Des. No. 1902043, CV-038-012-14.60 located 1.83 mi W. of N. Jct. of US 421/SR 39
- Des. No. 1902044, CV-038-012-14.70 located 1.66 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000800, CLV-038-079-7.58 located 8.43 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000802, CLV-038-079-8.88 and CLV-038-079-8.86 located 7.53 mi W of N. Jct. of US 421/SR 39.

Furthermore, it was anticipated that 48 culverts were expected to be extended or replaced underneath the roadway and that approximately 59 acres of permanent and/or temporary right-of-way acquisition would be required.

Currently, the scope has added two additional small structures that require maintenance and repair for a total of seven (7) small structures to be bundled under Des. No. 1601074.

- Des. No. 2001746, CV 038-012-11.86 located 4.53 mi W of N. Jct. of US 421/SR 39
- Des. No. 2001747, CV 038-012-15.38 located 0.89 mi W of N. Jct. of US 421/SR 39

After further inspection, it was determined that an additional 45 culverts would require extensions or replacements underneath the roadway for a total of 93 structures. This includes fifty-seven (57) shall be installed under driveways, three (3) shall be installed under street approaches, and thirty-three (33) are cross culverts being installed/extended under SR 38. Additionally, there has been a decrease in the right of way acquisition from 59 acres to 51.08 acres of permanent and 0.4 acre of temporary right-of-way acquisition.

No relocations are expected for this project. The anticipated letting date is October 2021; however, this date may change to March/April 2022 to allow for right of way clearance.

Hanson Professional Services is under contract with INDOT to advance the environmental documentation for the referenced project. Green 3, LLC has been subcontracted to complete the Section 106 documentation for the project.

In accordance with 36 CFR 800.2 (c), you were invited to become a consulting party as part of the Section 106 process, or you are hereby invited to become a consulting party as part of the Section 106 process. Entities that have previously accepted consulting party status--as well as additional entities that are currently being invited to become consulting parties--are identified in the attached list.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains no resources listed in the National Register of Historic Places (NRHP).

A historian who meets the Secretary of the Interior’s Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, two resources are recommended as eligible for listing in the NRHP: the Trinity Reformed Church, IHSSI No. 023-440-23038, 213 E. Jackson St.; and the Mulberry Commercial Historic District, IHSSI No. 023-440-21001-025.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards identified 14 sites within the project area. As a result of these efforts, three sites 12-Cn-246, 12-Cn-247, and 12-Cn-253 were recommended as potentially eligible for listing in the NRHP and further work was recommended if these sites could not be avoided by the undertaking. It is important to note that the previous report distribution letter dated April 30, 2020 incorrectly stated that 15 sites were identified; and, the first sentence in the second-to-last paragraph within the Abstract page of the Archaeology Report (Jackson, April 2, 2020) incorrectly stated that 12 sites were identified. However, the first sentence went on to list the 14 sites, which is the correct number of identified sites.

SHPO Comment: On May 29, 2020, the SHPO staff concurred with the opinion of the archaeologist that eight of the identified archaeology sites were not eligible for inclusion in the NRHP; portions of three of the identified archaeological sites do not appear to be eligible; and three of the identified archaeology sites are potentially eligible for inclusion in the NRHP. SHPO noted that if the three potentially eligible sites could not be avoided by the project undertaking, then further archaeological evaluation would be necessary.

Response: The undertaking will avoid the three potentially eligible archaeological sites (the most current plans mark these sites as “environmentally sensitive areas” and can be found in the 800.11 documentation). While it is anticipated that right-of-way acquisition is anticipated to be acquired from one of these sites, no construction activities will take place within the marked environmentally sensitive area.

SHPO Comment: The SHPO staff also stated that the project area is located within the Dayton/Fairfield Cemetery (CR-79-67; IHSSI No. 157-332-47006). SHPO stated that a cemetery development plan would be necessary under Indiana Code 14-21-1-26.5 for any ground disturbance within 100 feet of the cemetery.

Response: Plan sheets can be found in the 800.11(e) Documentation that show the proposed right of way acquisition from the cemetery. A Cemetery Development Plan will be prepared pursuant to IC 14-21-1-26.5 due to the proposed temporary right-of-way acquisition from the cemetery and ground disturbance within 100 feet of the cemetery. The construction work will not disrupt existing grave sites, columns, or the archway in this area.

SHPO Comment: Regarding above-ground properties, the SHPO staff agreed with the conclusions drawn in the HPR about the size and boundaries of the APE. Further, they agreed that the Trinity Reformed Church (IHSSI No. 023-440-23038) “is eligible for inclusion in the NRHP under Criterion C for architecture” and the Mulberry Commercial Historic District (IHSSI No. 023-440-21001-025) is eligible for inclusion in the NRHP under both Criteria A and C. They agreed that these were the only two above-ground properties eligible for listing in the NRHP within the APE. They commented that “[i]f no right-of-way is to be acquired within the Mulberry Commercial Historic District or from Trinity Reformed Church, other than perhaps temporary right-of-way for replacement of curb ramps, curbs, and gutters; if no one else expresses the opinion that another property within the APE is eligible for the NRHP; and if the project boundaries do not change, then we do not think it would be necessary to provide project plans or an effects letter to the consulting parties. If that is the case, then it might now be appropriate to ask INDOT for a finding.” The SHPO letter can be found in the 800.11 documentation.

Response: The right-of-way anticipated to be acquired within the boundaries of the Trinity Reformed Church (IHSSI No. 023-440-23038) and Mulberry Commercial Historic District (IHSSI No. 023-440-21001-025) will be only for the replacement of curb ramps and curbs. It is anticipated that approximately 0.015 acre (622.30 square feet) of permanent right-of-way will be acquired from the Mulberry Commercial Historic District and approximately 0.002 acre (70.74 square feet) of permanent right-of-way will be acquired from Trinity Reformed Church. However, all of the right-of-way to be acquired from each of these historic properties are already in a transportation use via sidewalks and curb ramps. The right-of-way will match the back of the existing sidewalks as shown on the plan sheets in the 800.11 documentation.

The effects finding and 800.11(e) documentation are available for review in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). You are invited to review this document and respond with comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If you prefer a hard copy of this material, please respond to this email with your request within seven (7) days.

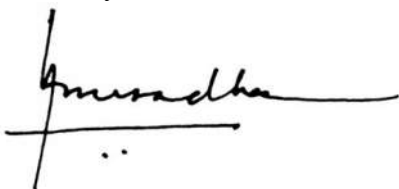
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting parties for this project and will not receive further information about the project unless the design changes.

For questions concerning specific project details, you may contact Karen Wood of Green 3, LLC at (317)-634-4110 or karen@green3studio.com. All future responses regarding the proposed project should be forwarded to Green 3, LLC at the following address:

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect St.
Indianapolis, IN 46203
karen@green3studio.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

800.11 Documentation (This document may be viewed on IN SCOPE)

Distribution List:

Indiana State Historic Preservation Officer, BMccord@dnr.IN.gov, JCarr@dnr.IN.gov

Miami Tribe of Oklahoma

Eastern Shawnee Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

Forest County Potawatomi Community

Shawnee Tribe

SR 38 Road Rehabilitation Project

Tippecanoe and Clinton counties, Indiana
Des. No. 1601074; DHPA No. 24156

800.11(e) Documentation and Effects Finding
September 2020



Prepared for:
Hanson Professional Services, Inc.
6510 Telecom Dr Suite 210
Indianapolis, Indiana 46278

Handwritten signature of Karen Wood.

Karen Wood
Qualified Professional Historian
Green 3, LLC
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**FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)
AND SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
SR 38 Road Rehabilitation Project
Tippecanoe and Clinton counties, Indiana
Des. No. 1601074; DHPA No. 24156**

**AREA OF POTENTIAL EFFECTS
(Pursuant to 36 CFR Section 800.4(a)(1))**

The Area of Potential Effects (APE) of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Urban development of the town of Mulberry and along State Road (SR) 38 limited the APE. See Appendix A for maps of the APE.

**ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))**

There are two resources eligible for listing in the National Register of Historic Places (NRHP).

Trinity Reformed Church (IHSSI # 023-440-23038) – is a representative example of the Romanesque Revival style of architecture, exhibiting a three-story tower, large half-round arches above stained-glass windows, and a steeply-pitched hipped roof. It is the only example of this style of architecture in the Town of Mulberry and in Madison Township. It is recommended eligible for listing in the NRHP under Criterion C due to its distinct Romanesque Revival architecture.

Mulberry Commercial Historic District (IHSSI #s 023-440-21001-025) – encompasses mostly commercial properties that demonstrate Italianate, I-House, and several commercial/vernacular styles. Construction dates for the historic structures within the district range from the 1870s through the 1940s. The district is recommended eligible for listing in the NRHP under Criterion A for its association with the transportation and commercial development of Mulberry and under Criterion C for its association with distinct architecture.

No other properties within the APE are listed in or recommended eligible for listing in the NRHP.

**EFFECT FINDING
(Pursuant to 36 CFR 800.4(d)(1))**

Trinity Reformed Church - The undertaking will have “No Adverse Effect” on the Trinity Reformed Church.

Mulberry Commercial Historic District - The undertaking will have “No Adverse Effect” on the Mulberry Commercial Historic District.

INDOT, acting on FHWA’s behalf, has determined a "No Adverse Effect" finding is appropriate for this undertaking. INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of effect.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

Trinity Reformed Church - This undertaking will not convert property from the Trinity Reformed Church, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, no Section 4(f) evaluation is required for the Trinity Reformed Church.

Mulberry Commercial Historic District - This undertaking will not convert property from the Mulberry Commercial Historic District, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, no Section 4(f) evaluation is required for the Mulberry Commercial Historic District.

Anuradha V. Kumar

Anuradha V. Kumar, for FHWA
Manager
INDOT Cultural Resources

09/30/2020

Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
“NO ADVERSE EFFECT”
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR 800.5 (c)
SR 38 Road Rehabilitation Project
Tippecanoe and Clinton counties, Indiana
Des. No. 1601074; DHPA No. 24156**

1. DESCRIPTION OF THE UNDERTAKING

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the State Road (SR) 38 Road Rehabilitation Project, Des. No. 1601074.

The proposed undertaking is on SR 38 from 1.18 miles east of I-65 to the north junction of U.S. 421 in both Tippecanoe County and Clinton County, Indiana. Specifically, the project is located in Sheffield Township of Tippecanoe County, and Madison Township of Clinton County in the Stockwell, Lafayette East, Pyrmont, Mulberry, and Frankfort USGS Quadrangles in Sections 3, 4, 10, 11, 12, and 13, Township 22 North, Range 3 West; Sections 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 Township 22 North, Range 2 West; and Sections 18 and 19, Township 22 North, Range 1 West. The project length is 10.75 miles.

The need of the project is due to the poor structural, physical, and operational condition of the existing pavement, which includes moderate to severe transverse and longitudinal cracking, and moderate rutting and raveling. The purpose of the project is to address the deficiencies of the roadway to provide an improved pavement structure and riding surface. SR 38 consists of a single travel lane in each direction. Pavement width is approximately 24 feet (ft.), consisting of two 12-foot-lanes with shoulders varying from 0-10 ft.

Under Des. No. 1601074, the project proposes to mill and overlay the roadway throughout the corridor; shoulder widening and the installation of guardrail will be constructed where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway and parking lanes, construct new pavement markings for travel lanes, on-street parking, and crosswalks, and replace curbs and curb ramps as appropriate. Erosion control measures such as riprap or a 3 ft. to 5 ft. tall mechanically stabilized earth (MSE) or sheet pile wall may be constructed throughout the eastern end of the proposed project area located 800 ft. east of CR North 500 West to North Junction of SR 38 and US 421. There are two bridges within the project area (#38-79-6731 and #38-12-6199); it is anticipated that no work will occur on the bridges and pavement exceptions are expected for the approaches and the bridge decks.

Seven additional Des. Numbers have been bundled under Des. No. 1601074, which involve the maintenance and repair of seven (7) small structures:

- Des. No. 1902042, CV-038-012-10.20 located 6.20 mi W of N. Jct. of US 421/SR 39
- Des. No. 1902043, CV-038-012-14.60 located 1.83 mi W. of N. Jct. of US 421/SR 39
- Des. No. 1902044, CV-038-012-14.70 located 1.66 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000800, CLV-038-079-7.58 located 8.43 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000802, CLV-038-079-8.88 and CLV-038-079-8.86 located 7.53 mi W of N. Jct. of US 421/SR 39.

- Des. No. 2001746, CV 038-012-11.86 located 4.53 mi W of N. Jct. of US 421/SR 39
- Des. No. 2001747, CV 038-012-15.38 located 0.89 mi W of N. Jct. of US 421/SR 39

Ninety-three (93) structures are expected to be extended or replaced underneath the roadway: fifty-seven (57) shall be installed under driveways, three (3) shall be installed under street approaches, and thirty-three (33) are cross culverts being installed/extended under SR 38. It is anticipated that the project will require approximately 51.08 acres of permanent and 0.4 acre of temporary right-of-way acquisition. No relocations are expected for this project. The anticipated letting date is October 2021; however, this date may change to March/April 2022 to allow for right of way clearance. Please see Appendix E for the current plans.

The area of potential effects (APE), as defined in 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” The APE of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Urban development of Mulberry and along State Road (SR) 38 limited the APE. Throughout the project alignment, the APE extends out approximately 0.05 mile and 0.18 mile from the centerline of SR 38. Please see Appendix A for a map of the APE.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The NRHP, Indiana Register of Historic Sites and Structures (State Register), and the State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Building, Bridges and Cemeteries Map were consulted. The *Clinton County Interim Report* (1997), produced from the Indiana Historic Sites and Structures Inventory (IHSSI), was reviewed as well. There is a total of 47 previously surveyed properties within the project APE.

Research indicated that a previous investigation had occurred within part of the project APE: State Road 38 Rehabilitation Project, Des. No. 1601073. The eastern end of the project APE in the Historic Properties Short Report (Biggio, 2/26/2019) for Des. No. 1601073 intersects with the western terminus of the project APE for Des. No. 1601074. For Des. No. 1601073 on January 22, 2019, a qualified professional from Butler, Fairman, and Seufert, Inc. evaluated the project area, assessing the setting and photographing the project area. One resource is listed in the National Register: Dayton Historic District, NR-1712, listed in 2003. The Dayton Historic District, NR-1712, is outside the APE for Des. No. 1601074. The following two properties meriting ratings of “Contributing” per the IHSSI were identified during fieldwork conducted for Des. No. 1601073:

1. Dayton Masonic Lodge, #103, 773 Walnut St., c. 1950
2. American Small House, 7513 SR 38, c. 1946

There are no Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscapes Survey (HALS) resources identified within the vicinity of the project. The *Indiana Historic Bridge Inventory* was reviewed, and no historic bridges are listed within the APE.

On July 19, 2019, an early coordination letter was distributed to consulting parties, inviting them to participate in the Section 106 process for this project. Below is the list of invited consulting parties. Those identified in bold print are participating consulting parties.

State Historic Preservation Officer (SHPO) (automatic consulting party)

Indiana Landmarks, Western Regional Office
 Clinton County Historian
 Clinton County Historical Society and Museum
 Tippecanoe County Historian

Tippecanoe County Historical Association
Area Plan Commission of Tippecanoe County
Clinton County Department of Area Planning
Clinton County Commissioners
Clinton County Council
Clinton County Highway Department
Tippecanoe County Commissioners
Tippecanoe County Council
Tippecanoe Highway Department
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Forest County Potawatomi Community

On August 15, 2019, the SHPO staff stated that they were “not aware of any parties who should be invited to participate in the Section 106 consultation on this federal undertaking, beyond those whom INDOT had already invited.”

On August 22, 2019, the Miami Tribe of Oklahoma sent a letter accepting CP status. They stated that they had no objection to the project at this time, as they were not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project area.

Karen Wood, a Qualified Professional historian, conducted a site visit of the project area on August 31, 2019. Wood documented above-ground resources within the APE that are at least 50 years of age or that will be at least 50 years of age at the time of the project letting (approximately October 2021). The historian walked and drove the project alignment and the APE, taking photographs of all resources meriting a “Contributing” or higher rating per the IHSSI guidelines and all those that had been previously documented in the IHSSI. Non-contributing resources or those that did not meet the age requirements were noted but not documented other than in general streetscape photographs. Please see Appendix B for photos.

A Historic Property Report (HPR) was completed for the project (Wood, April 2020). Two resources were recommended eligible for listing in the NRHP: Trinity Reformed Church (IHSSI No. 02330-440-23038) and Mulberry Commercial Historic District (IHSSI No. 023-440-21001-025). A Phase I Archaeological Field Reconnaissance Survey Report was completed for the project (Jackson, April 2, 2020). Fourteen sites were identified and, of those, no further work was recommended for eleven sites. The remaining three sites, 12-CI-246, 12-CI-247, and 12-Cn-253, were recommended as potentially eligible for listing in the NRHP and further work was recommended if these sites could not be avoided by the undertaking. Both reports were distributed to consulting parties for review and comment on April 30, 2020. The summaries of the HPR and Archaeology Report are found in Appendix D.

SHPO sent a letter on May 29, 2020 thanking Green 3 for answering their questions. SHPO agreed with the conclusions drawn in the HPR about the size of the APE and eligibility of the historic properties within the APE. SHPO also concurred with the archaeology report that sites 12Cn246, 12Cn247, and 12Cn253 are potentially eligible for inclusion in the NRHP. If those sites could not be avoided by the project (Des. No. 1601074), SHPO said further archaeological evaluation would be necessary. They also stated that since the project area is located within the “Dayton/Fairfield cemetery (CR-79-67; IHSSI No. 157-332-47006), a cemetery development plan would be necessary for any ground disturbance within 100 feet of the cemetery once the design of the project area and its footprint at the cemetery were defined.”

None of the other consulting parties provided any additional comments regarding the early coordination letter, HPR, or archaeology report. Please see Appendix C for Consulting Party Correspondence.

3. DESCRIBE AFFECTED HISTORIC PROPERTIES

Trinity Reformed Church (IHSSI # 023-440-23038) is recommended eligible for listing in the NRHP under Criterion C for its distinct architecture. Trinity Reformed Church exhibits the Romanesque Revival architectural style. This resource, associated with religion, was constructed due to a separation between the Reformed and Lutheran congregations which had formerly used the same building at this location. While the Lutheran congregation moved to a new site, the Reformed congregation maintained a church on the present site, undertaking construction of the current structure in 1895. This resource is a representative example of the Romanesque Revival style exhibiting a three-story tower, large half-round arches above stained-glass windows, and a steeply-pitched hipped roof. It is the only example of this style of architecture in the Town of Mulberry and in Madison Township.

Mulberry Commercial Historic District (IHSSI # 023-440-21001-025) is recommended eligible for listing in the NRHP under Criterion A for its association with the transportation and commercial development of Mulberry and under Criterion C for its association with distinct architecture. Mulberry was platted along the Dayton and Hamilton Gravel Road that had been established at least since 1839, connecting Indianapolis to Chicago. In addition to that roadway, the completion of the Lafayette, Muncie, and Bloomington, Illinois Railroad through Mulberry in 1873, provided travelers a stop along their journey, bringing people and goods to Mulberry. By the early twentieth century, another transportation route was completed through Mulberry: the electric interurban line, allowing passengers and freight a stop in Mulberry on their direct connection to Indianapolis or Lafayette. Then, as part of the Good Roads Movement, the roadway became part of the Jackson Highway, a movement to construct a national highway system. Several transportation routes traversed the Town of Mulberry, allowing its residents to build shops to accommodate more inhabitants and visitors. The district encompasses mostly commercial properties along with a few residential properties. Together, these properties demonstrate Italianate, I-House, and several commercial/vernacular styles. Construction dates for the historic structures within the district range from the 1870s through the 1940s.

4. DESCRIBE THE UNDERTAKING'S EFFECT ON HISTORIC PROPERTIES

Trinity Reformed Church, 213 E. Jackson Street – This project will have “No Adverse Effect” on the resource. The project will acquire approximately 0.002 acre (70.74 square feet) of right-of-way from Trinity Reformed Church for a curb ramp replacement on the southeast corner of Main St. and SR 38/Jackson St. The proposed right-of-way will match the back of the existing sidewalks, which is already in a transportation use. Additionally, SR 38/Jackson St. will be milled and overlaid with new pavement markings for travel lanes, on-street parking, and crosswalks in front of the church.

Mulberry Commercial Historic District, roughly bounded by Main Street to the east; Jefferson Road and E. Perrin Street to the south; Glick Street (including two lots west of S. Glick Street from Jackson Street to Perrin Street) to the west; and the alley north of SR 38 and E. Jackson Street to the north – This project will have “No Adverse Effect” on the resource. The project will acquire approximately 0.015 acre (622.30 square feet) of right-of-way from Mulberry Commercial Historic District for curb ramp replacements on the northeast, southeast, and southwest corners of Glick St. and Jackson St./SR 38 and the northwest and southwest corners of Main St. and SR 38/Jackson St. The proposed right-of-way will match the back of the existing sidewalks, which is already in a transportation use. Additionally, SR 38/Jackson St. will be milled and overlaid with new pavement markings for travel lanes, on-street parking, and crosswalks through the historic district.

5. EXPLAIN APPLICATION OF CRITERIA OF ADVERSE EFFECT – INCLUDE CONDITIONS OR FUTURE ACTIONS TO AVOID, MINIMIZE OR MITIGATE ADVERSE EFFECTS

According to 36 CFR 800.5(a)(1) “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.”

Trinity Reformed Church – The project will have “No Adverse Effect” on the resource. While the project will acquire approximately 0.002 acre (70.74 square feet) of right-of-way from Trinity Reformed Church for one curb ramp replacement on the southeast corner of Main St. and SR 38/Jackson St., the proposed right-of-way will match the back of the existing concrete sidewalks which are already in a transportation use.

Per 800.5(a)(2)(i), “Physical destruction of or damage to all or part of the property” will not occur.

Per 36 CFR 800.5(a)(2)(ii), “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines” will not occur. The existing modern concrete curb ramp will be removed and replaced, resulting in no alterations to historic elements of the Trinity Reformed Church.

Per 36 CFR 800.5(a)(2)(iii), “Removal of the property from its historic location” will not occur.

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance,” will not occur. The undertaking will remove and replace the existing modern concrete curb ramp on the southeast corner of Main St. and SR 38/Jackson St. To replace the curb ramp, approximately right-of-way 0.002 acre (70.74 square feet) of right-of-way from the Trinity Reformed Church will be required; however, the right of way will only be taken to the back of the existing modern concrete sidewalk. Because the existing modern curb ramp is not considered to be a physical feature that contributes to the church, the impacts to the curb ramp will not diminish the integrity of the church’s significant historic features nor will it change of the character of the church’s use.

Per 36 CFR 800.5(a)(2)(v), the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features” will not occur. The undertaking will remove and replace the existing modern concrete curb ramp on the southeast corner of Main St. and SR 38/Jackson St. To replace the curb ramp, approximately right-of-way 0.002 acre (70.74 square feet) of right-of-way from the Trinity Reform Church will be required; however, the right of way will only be taken to the back of the existing modern concrete sidewalk. Additionally, SR 38/Jackson St. will be milled and overlaid with new pavement markings for travel lanes, on-street parking, and crosswalks. The introduction of visual elements of the removal and replacement of the existing modern concrete curb ramp, the mill and overlay of the roadway with new pavement markings will not diminish the integrity of the church’s significant historic features.

Per 36 CFR 800.5(a)(2)(vi), “Neglect of a property which causes its deterioration...” will not occur as a result of this project.

Per 36 CFR 800.5(a)(2)(vii), the “Transfer, lease, or sale of property out of Federal ownership or control...” will not occur.

Mulberry Commercial Historic District - The project will have “No Adverse Effect” on the resource. The project will acquire approximately 0.015 acre (622.30 square feet) of right-of-way from Mulberry Commercial Historic District for curb ramp replacements on the northeast, southeast, and southwest corners of Glick St. and Jackson St./SR 38 and the northwest and southwest corners of Main St. and SR 38/Jackson St. However, the proposed right-of-way will match the back of the existing modern concrete sidewalks which are already in a transportation use.

Per 800.5(a)(2)(i), “Physical destruction of or damage to all or part of the property” will not occur.

Per 36 CFR 800.5(a)(2)(ii), “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines” will not occur. The existing modern concrete curb ramps will be removed and replaced, resulting in no alterations to historic elements of the Mulberry Commercial Historic District.

Per 36 CFR 800.5(a)(2)(iii), “Removal of the property from its historic location” will not occur.

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance,” will not occur. The undertaking will remove and replace the existing modern concrete curb ramps on the northeast, southeast, and southwest corners of Glick St. and Jackson St./SR 38 and the northwest and southwest corners of Main St. and SR 38/Jackson St. To replace these curb ramps, approximately 0.015 acre (622.30 square feet) of right-of-way from the Mulberry Commercial Historic District will be required; however, the right of way will only be taken to the back of the existing modern concrete sidewalks. Because the existing modern curb ramps are not considered to be physical features that contribute to the historic district, the impact to the curb ramps will not diminish the integrity of the historic district’s significant historic features nor will it change of the character of the historic district’s use.

Per 36 CFR 800.5(a)(2)(v), the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features” will not occur. The undertaking will remove and replace the existing modern concrete curb ramps on the northeast, southeast, and southwest corners of Glick St. and Jackson St./SR 38 and the northwest and southwest corners of Main St. and SR 38/Jackson St. To replace these curb ramps, approximately 0.015 acre (622.30 square feet) of right-of-way from the Mulberry Commercial Historic District will be required; however, the right of way will only be taken to the back of the existing modern concrete sidewalks. Additionally, SR 38/Jackson St. will be milled and overlaid with new pavement markings for travel lanes, on-street parking, and crosswalks. The introduction of visual elements such as the removal and replacement of the existing modern concrete curb ramps, the mill and overlay of the roadway with new pavement markings will not diminish the integrity of the historic district’s significant historic features.

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance,” no changes to historic features will occur near or to the historic district. The project will have no impact on significant features.

Per 36 CFR 800.5(a)(2)(v), the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features” will not occur. The project will have no significant visual or other impact on the historic district. Changes in viewshed will be insignificant.

Per 36 CFR 800.5(a)(2)(vi), “Neglect of a property which causes its deterioration...” will not occur as a result of this project. The undertaking will not cause neglect of the historic district.

Per 36 CFR 800.5(a)2(vii), the “Transfer, lease, or sale of property out of Federal ownership or control...” will not occur. Ownership of the historic district will not change as a result of this project.

6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

An early coordination letter was distributed to consulting parties on July 19, 2019.

In a response letter dated August 15, 2019, SHPO asked the following questions:

SHPO Comment: Does this project begin at the eastern terminus of the State Road 38 Reconstruction-Dayton (Des. No. 1601073), which also is undergoing Section 106 review?

Response: Yes.

SHPO Comment: The anticipated 40 acres of permanent or temporary right-of-way that will be required for the project is considerable, even for a 10.75- mile-long project. Is most of the need for acquisition of permanent right-of-way the result of INDOT's inability to verify through deed records that INDOT already has fee simple absolute title or an easement that extends beyond the edge of the current pavement?

Response: Yes, almost all the need for acquisition of permanent right-of-way is the result of INDOT's inability to verify through deed records that INDOT already has fee simple absolute title or an easement that extends beyond the edge of the current pavement.

SHPO Comment: Will this project area on SR 38 remain open to through traffic during construction, or will there probably be an official or unofficial detour (i.e., one that is likely to be heavily used even though it is not designated)? If a detour is probable, then please consider, as the area of potential effects is being developed and proposed, whether the detour could cause congestion or access problems for historic properties outside the SR 38 corridor.”

Response: The maintenance of traffic (MOT) plan will consider the impacts to the historic properties as the MOT plan is prepared. The traffic maintenance during construction of the SR 38 project will require full and partial closures with access to local traffic at all times. Currently, the primary official state detour route for all truck traffic (going west to east) is anticipated to be I-65 north to SR 26 to US 421/SR 39 (approximately 21.1 miles); the secondary detour route is anticipated to be I-65 south to SR 28 to US 421/SR 39 (approximately 24.3 miles).

On August 22, 2019, the Miami Tribe of Oklahoma accepted CP status. They stated no objection to the project at this time.

A Historic Property Report (HPR) was completed for the project (Wood, April 2020) and distributed on April 30, 2020. The summary of the HPR is found in Appendix D.

On that same date, a Phase I Archaeological Field Reconnaissance Survey Report (Jackson, April 2, 2020) was distributed. Fourteen sites were identified, and of those, no further work was recommended for eleven sites. See Appendix C for a summary of the Archaeology report. The remaining three sites, 12-CI-246, 12-CI-247, and 12-Cn-253, were recommended as potentially eligible for listing in the NRHP and further work is recommended.

SHPO Comment: On May 29, 2020, the SHPO staff concurred with the opinion of the archaeologist that eight of the identified archaeology sites were not eligible for inclusion in the NRHP; portions of three of the identified archaeological sites do not appear to be eligible; and three of the identified archaeology

sites are potentially eligible for inclusion in the NRHP. SHPO noted that if the three potentially eligible sites could not be avoided by the project undertaking, then further archaeological evaluation would be necessary.

Response: The undertaking will avoid the three potentially eligible archaeological sites (the most current plans mark these sites as “environmentally sensitive areas” and can be found in the 800.11 documentation). While it is anticipated that right-of-way acquisition is anticipated to be acquired from one of these sites, no construction activities will take place within the marked environmentally sensitive area.

SHPO Comment: The SHPO staff also stated that the project area is located within the Dayton/Fairfield cemetery (CR-79-67; IHSSI No. 157-332-47006). SHPO stated that a cemetery development plan would be necessary under Indiana Code 14-21-1-26.5 for any ground disturbance within 100 feet of the cemetery.

Response: Plan sheets can be found in the 800.11(e) Documentation that show the proposed right of way acquisition from the cemetery. A Cemetery Development Plan will be prepared pursuant to IC 14-21-1-26.5 due to the proposed temporary right-of-way acquisition from the cemetery and ground disturbance within 100 feet of the cemetery. The construction work will not disrupt existing grave sites, columns, or the archway in this area.

SHPO Comment: Regarding above-ground properties, the SHPO staff agreed with the conclusions drawn in the HPR about the size and boundaries of the APE. Further, they agreed that the Trinity Reformed Church (IHSSI No. 023-440-23038) “is eligible for inclusion in the NRHP under Criterion C for architecture” and the Mulberry Commercial Historic District (IHSSI No. 023-440-21001-025) is eligible for inclusion in the NRHP under both Criteria A and C. They agreed that these were the only two above-ground properties eligible for listing in the NRHP within the APE. They commented that “[i]f no right-of-way is to be acquired within the Mulberry Commercial Historic District or from Trinity Reformed Church, other than perhaps temporary right-of-way for replacement of curb ramps, curbs, and gutters; if no one else expresses the opinion that another property within the APE is eligible for the NRHP; and if the project boundaries do not change, then we do not think it would be necessary to provide project plans or an effects letter to the consulting parties. If that is the case, then it might now be appropriate to ask INDOT for a finding.” The SHPO letter can be found in the 800.11 documentation.

Response: The right-of-way anticipated to be acquired within the boundaries of the Trinity Reformed Church (IHSSI No. 023-440-23038) and Mulberry Commercial Historic District (IHSSI No. 023-440-21001-025) will be only for the replacement of curb ramps and curbs. It is anticipated that approximately 0.015 acre (622.30 square feet) of right-of-way will be acquired from the Mulberry Commercial Historic District and approximately 0.002 acre (70.74 square feet) of right-of-way will be acquired from Trinity Reformed Church. However, all of the right-of-way to be acquired from each of these historic properties are already in a transportation use via sidewalks and curb ramps. The right-of-way will match the back of the existing sidewalks as shown on the plan sheets in the 800.11 documentation.

None of the other consulting parties provided any additional comments regarding the early coordination letter, HPR, or archaeological assessment. Please see Appendix C for Consulting Party Correspondence.

This finding will be advertised as a legal notice in a local paper, *The Times* (Frankfort, Clinton Co., IN) and the public will be given a 30-day period in which to comment on the finding of effects. This documentation will be revised to reflect any substantive comments received. No other consulting party comments were received. Copies of all consulting party correspondence are found in Appendix C.

APPENDICES

A – Maps

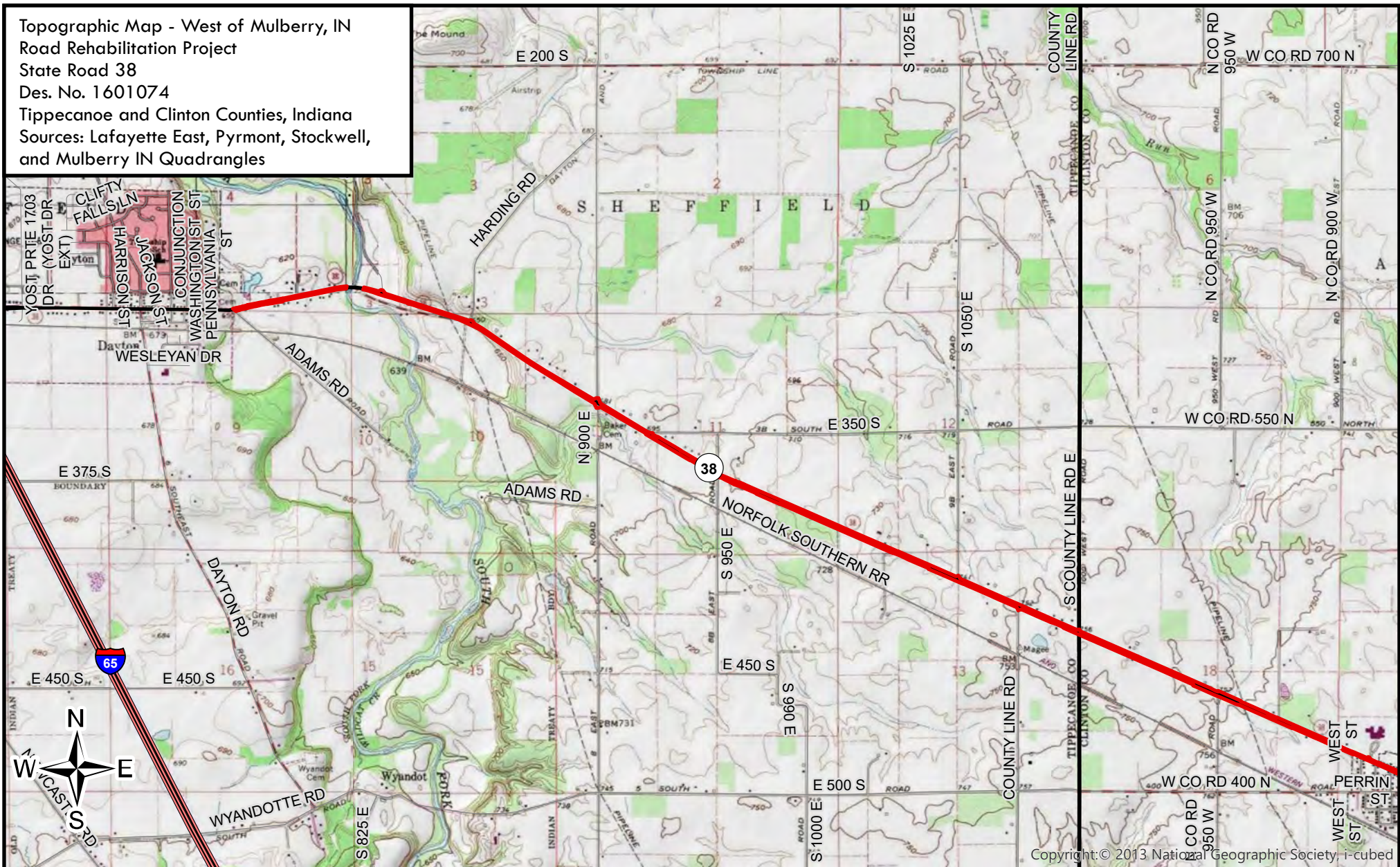
B – Photographs

C – Consulting Party Correspondence

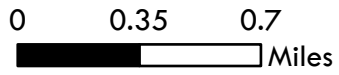
D – Historic Property Report and Archaeology Report Summaries

E – Current Plans

Topographic Map - West of Mulberry, IN
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Sources: Lafayette East, Pyrmont, Stockwell,
 and Mulberry IN Quadrangles



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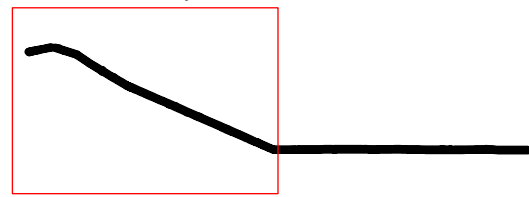


1:250,000

 Project Area

1/28/2020

Project Area Overview

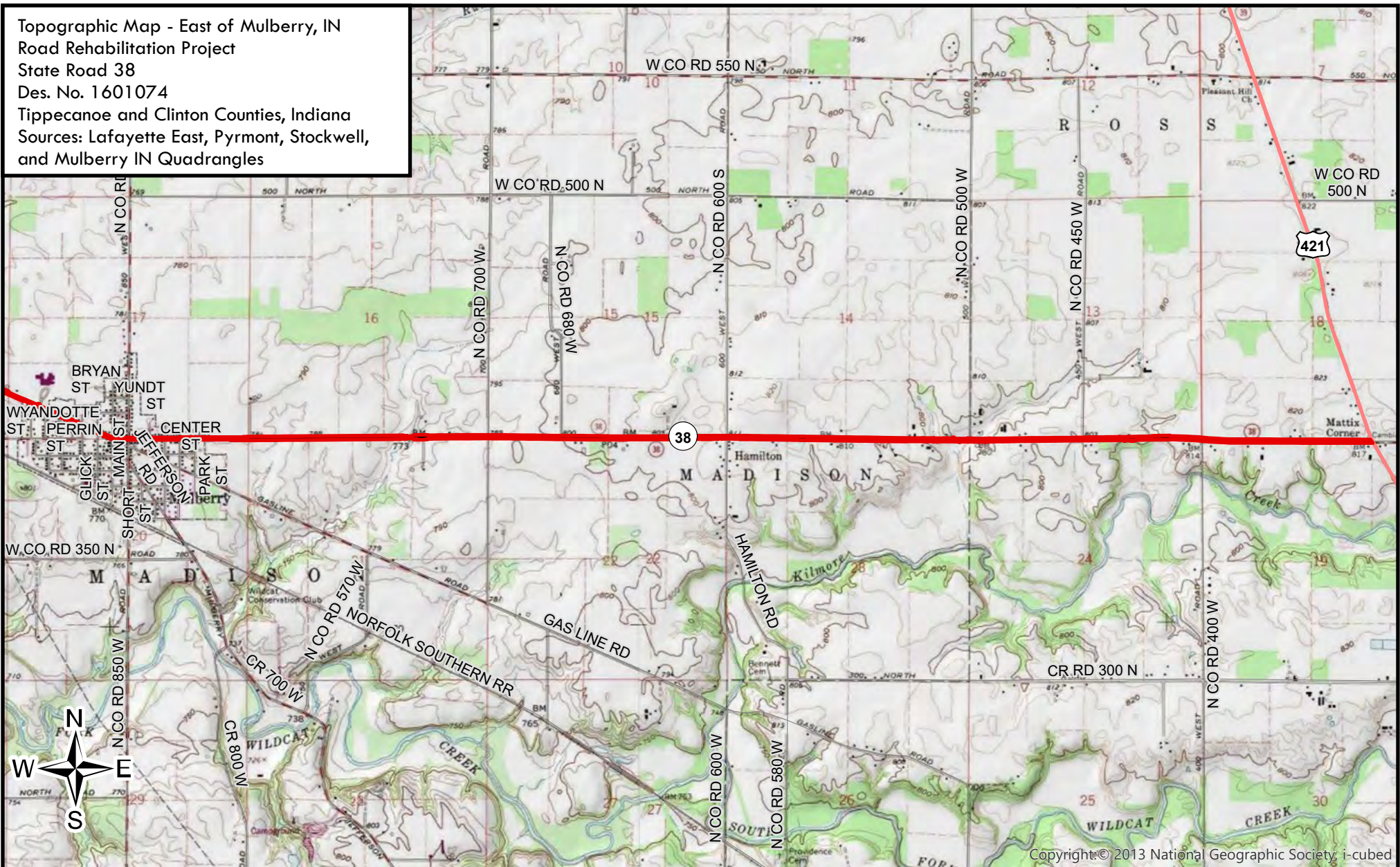


D-23

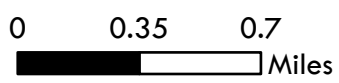
green • 3



Topographic Map - East of Mulberry, IN
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Sources: Lafayette East, Pyrmont, Stockwell,
 and Mulberry IN Quadrangles



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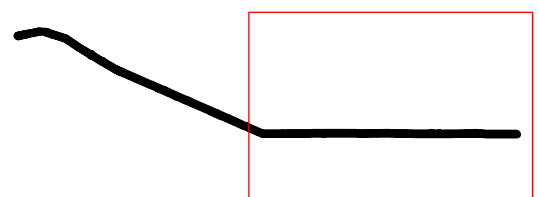


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 Project Area

1/28/2020

Project Area Overview

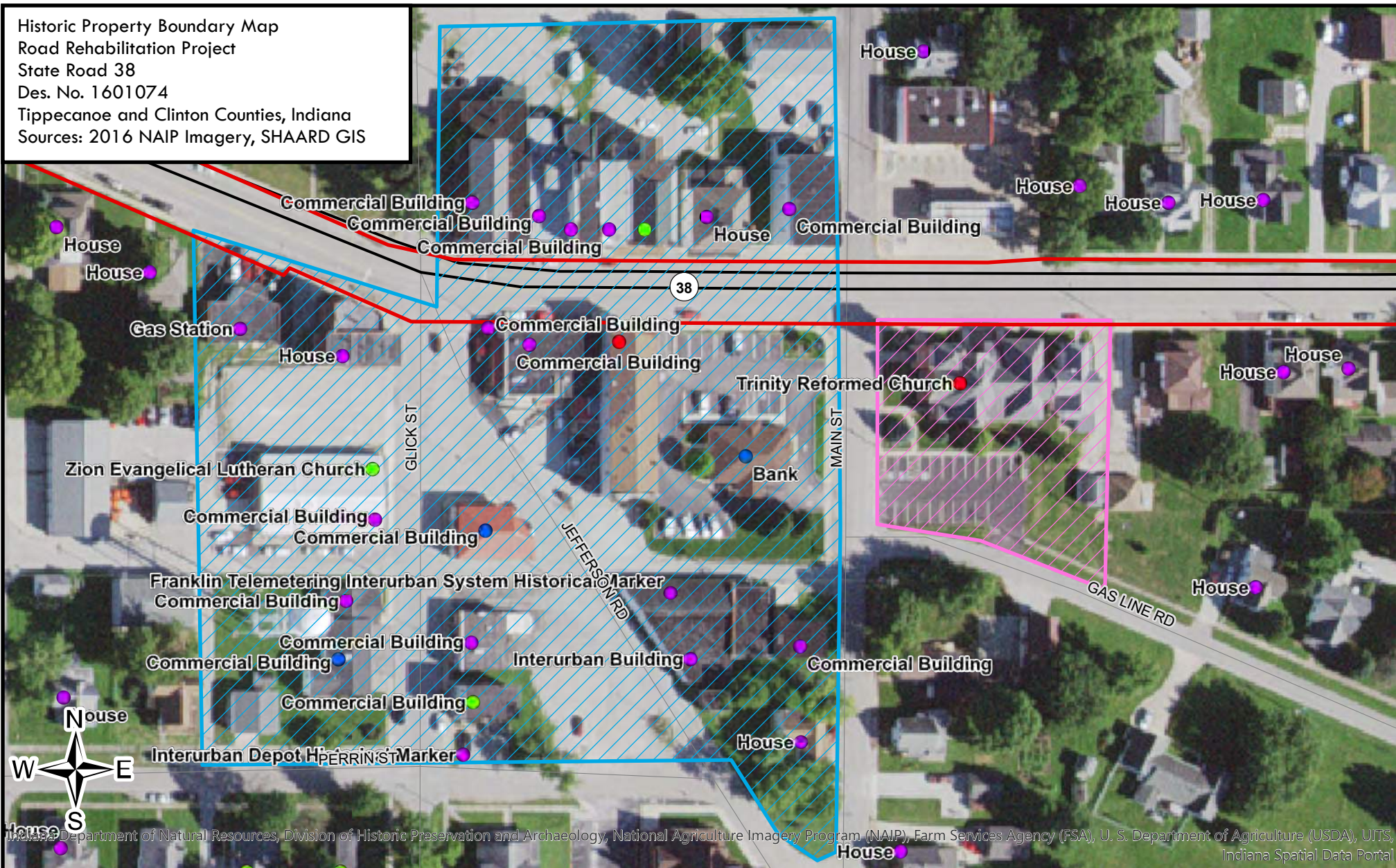


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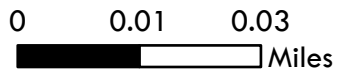
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Historic Property Boundary Map
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Sources: 2016 NAIP Imagery, SHAARD GIS



Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology, National Agriculture Imagery Program (NAIP), Farm Services Agency (FSA), U. S. Department of Agriculture (USDA), UITS, Indiana Spatial Data Portal

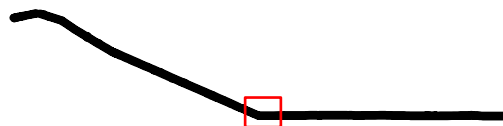


1:1,250

- Trinity Reform Church
- Mulberry Commercial Historic District
- Project Area

1/28/2020

Project Area Overview

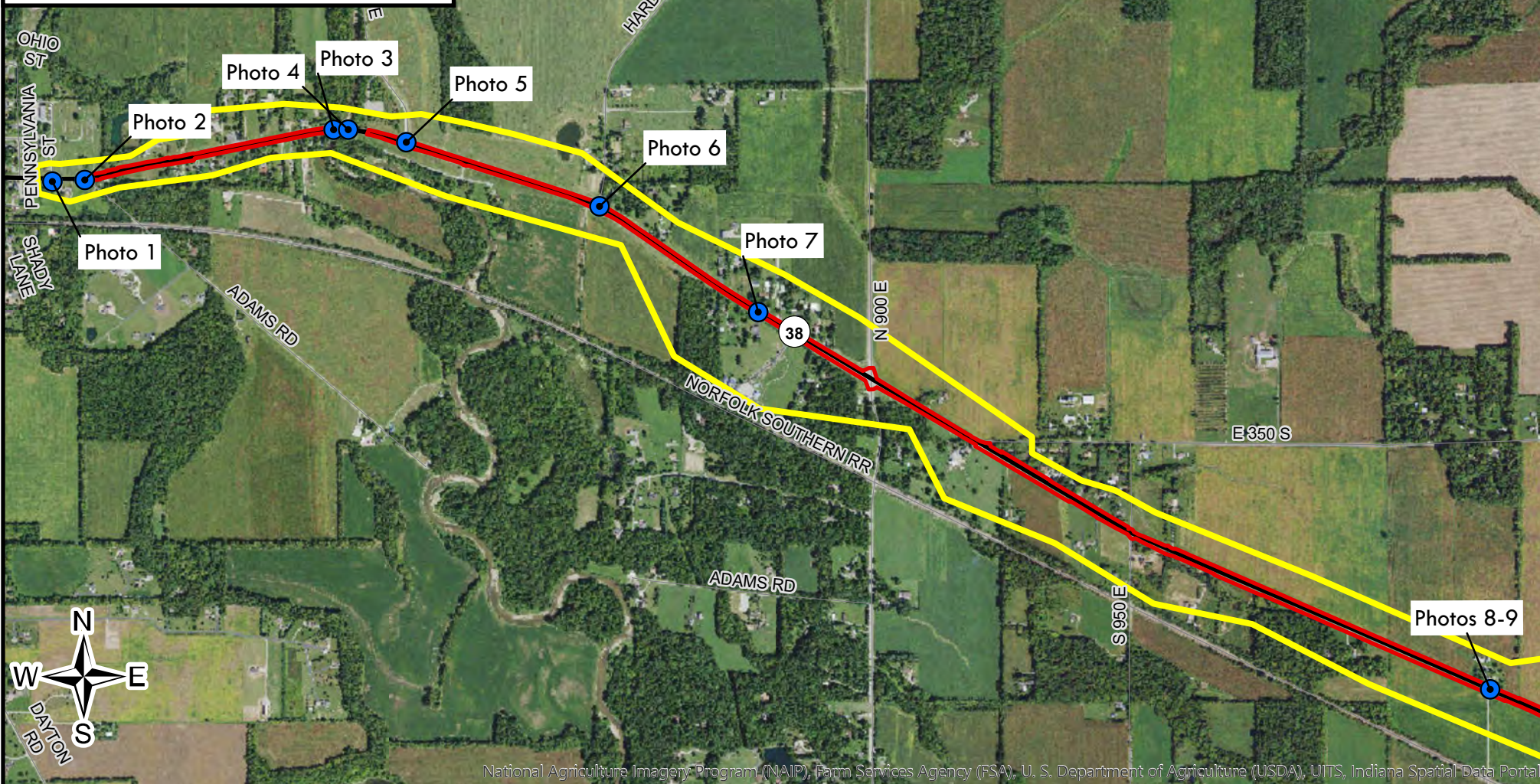


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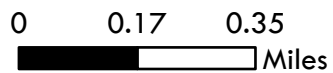
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Photo Location Map
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Source: 2016 NAIP Imagery



National Agriculture Imagery Program (NAIP), Farm Services Agency (FSA), U. S. Department of Agriculture (USDA), UITS, Indiana Spatial Data Portal



1:18,000

- Photo Location
- APE
- Project Area

1/28/2020

Project Area Overview

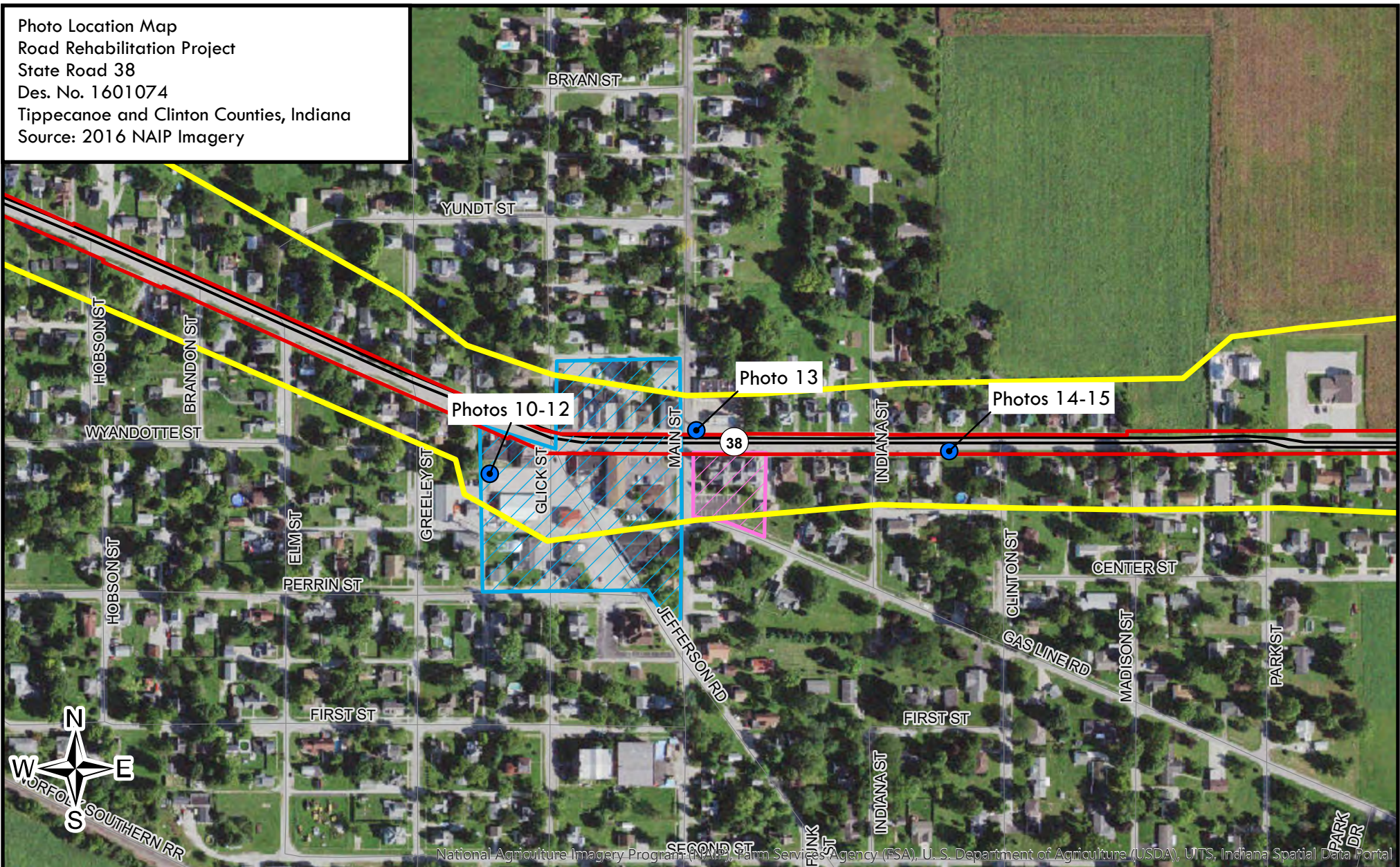


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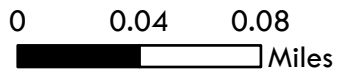
green • 3






Photo Location Map
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Source: 2016 NAIP Imagery



National Agriculture Imagery Program (NAIP), Farm Services Agency (FSA), U.S. Department of Agriculture (USDA), UITS, Indiana Spatial Data Portal

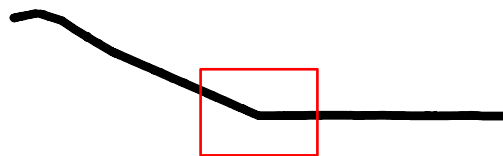


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-  Photo Location
-  APE
-  Project Area

1/28/2020

Project Area Overview

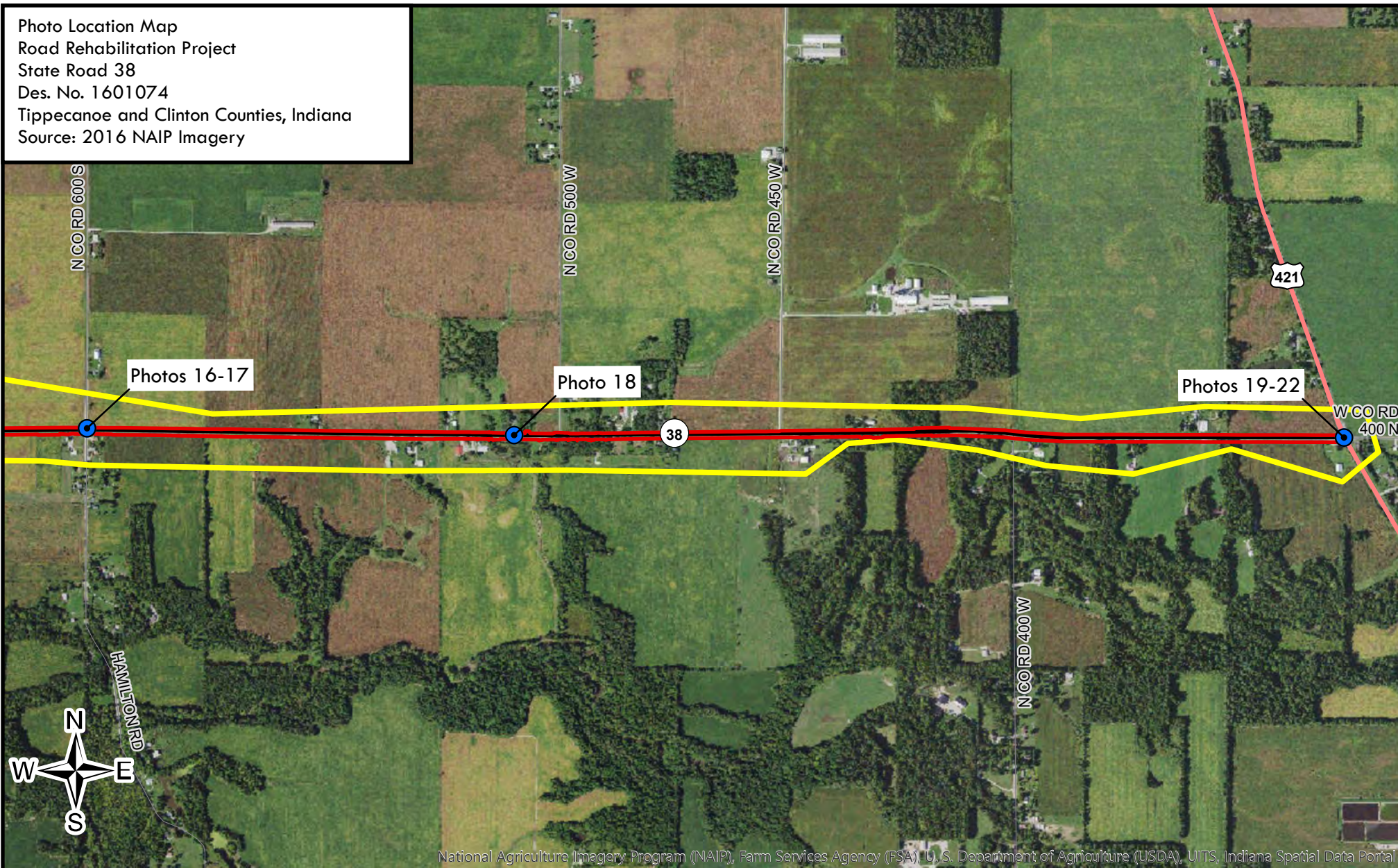


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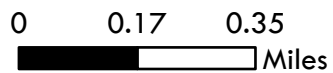
green • 3



Photo Location Map
 Road Rehabilitation Project
 State Road 38
 Des. No. 1601074
 Tippecanoe and Clinton Counties, Indiana
 Source: 2016 NAIP Imagery



National Agriculture Imagery Program (NAIP), Farm Services Agency (FSA), U. S. Department of Agriculture (USDA), UITS, Indiana Spatial Data Portal

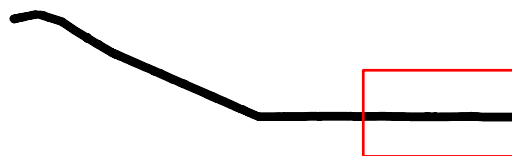


1:18,000

- Photo Location
- APE
- Project Area

1/28/2020

Project Area Overview



D-28

green • 3



Project Area Photographs



1. Facing east along SR 38 at Delaware St. at western end of APE



2. Facing east along SR 38 at Adams Road at western end project terminus



3. Facing east along SR 38 at Bridge over Wildcat Creek



4. Facing west along SR 38 from western approach of the Bridge over Wildcat Creek



5. Facing east along SR 38 at CR 800 E



6. Facing east along SR 38 at Harding St.



7. 8805 SR 38, a non-contributing property



8. Facing east along SR 38 at 10230 SR 38



9. Facing west along SR 38 at 10230 SR 38



10. Intersection of N. Glick and E. Jackson, in Mulberry Historic District



11. Looking west on E. Jackson at boundary of Mulberry Historic District



12. Looking east on E. Jackson Street in Mulberry Historic District



13. Looking west at intersection of Main Street and E. Jackson Street



14. Sidewalks facing west along SR 38 in Mulberry, IN



15. Sidewalks facing east along SR 38 in Mulberry, IN



16. SR 38 looking west along alignment



17. Facing east on SR 38 near intersection with Hamilton Road



18. SR 38 looking slightly west



19. Facing west along SR 38 towards eastern end of APE



20. Facing north along edge of APE



21. Facing south along edge of APE



22. Facing east along edge of APE

SR 38 Road Rehabilitation Project Consulting Party List,
Des. No. 1601074
(Highlighted parties have accepted consulting party status)

CP Name	Organization	email
Beth McCord and John Carr	Department of Natural Resources/ Division of Historic Preservation and Archaeology	bmccord@dnr.in.gov ; jcarr@dnr.in.gov
Tommy Kleckner	Indiana Landmarks Western Office	tkleckner@indianalandmarks.org
James Miller	Clinton County Historian	rossvilleww@geetel.net
Nancy J. Hart	Clinton County Historical Society and Museum	cchsm@live.com
Quentin Robinson	Tippecanoe County Historian	rqurobinson@gmail.com
Craig Hadley	Tippecanoe County Historical Association	info@tippecanoehistory.org
Sallie Fahey	Area Plan Commission of Tippecanoe County	sfahey@tippecanoe.in.gov
Catherine Schoenherr	Area Plan Commission of Tippecanoe County	cschoenherr@tippecanoe.in.gov
Elizabeth Stitzel	Clinton County Department of Area Planning	estitzel@clintonco.com
Josh Uitts	Clinton County Commissioner	juittis@clintonco.com
Steve Woods	Clinton County Commissioner	swoods@clintonco.com
Scott Shoemaker	Clinton County Commissioner	sshoemaker.clintonco.com
Secretary Britt Ostler	Clinton County Council	bostler@clintonco.com
Kevin Myers	Clinton County Highway Department	kmyers@clintonco.com
David Byers	Tippecanoe County Commissioner	dbyers@tippecanoe.in.gov
Tom Murtaugh	Tippecanoe County Commissioner	tmurtaugh@tippecanoe.in.gov
Tracy Brown	Tippecanoe County Commissioner	tabrown@tippecanoe.in.gov
Bryan Metzger	Tippecanoe County Council	council@tippecanoe.in.gov
Brian Sterner	Tippecanoe County Highway Department	bjsterner@tippecanoe.in.gov
Tribes	Eastern Shawnee Tribe of Oklahoma	
	Miami Tribe of Oklahoma	
	Peoria Tribe of Indians of Oklahoma	
	Pokagon Band of Potawatomi Indians	
	Forest County Potawatomi Community	

Karen Wood

From: Karen Wood
Sent: Friday, July 19, 2019 11:47 AM
To: Slider, Chad (DNR); tkleckner@indianalandmarks.org; rossvilleww@geetel.net; cchsm@live.com; rqrobinson@gmail.com; info@tippecanoehistory.org; sfahey@tippecanoe.in.gov; cschoenherr@tippecanoe.in.gov; estitzel@clintonco.com; juittis@clintonco.com; swoods@clintonco.com; sshoemaker@clintonco.com; bostler@clintonco.com; kmyers@clintonco.com; dbyers@tippecanoe.in.gov; tmurtaugh@tippecanoe.in.gov; tbrown@tippecanoe.in.gov; council@tippecanoe.in.gov; bjsterner@tippecanoe.in.gov
Cc: Alexander, Kelyn; Miller, Shaun (INDOT); Branigin, Susan; Kumar, Anuradha
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana
Attachments: SR38_Des1601074_ECL-2019-7-19.pdf

Des. No.: 1601074

Project Description: SR 38 Road Rehabilitation Project

Location: SR 38 from 1.18 miles East of I-65 to the north junction of U.S. 421 in Tippecanoe County and Clinton County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 38 Road Rehabilitation Project, Des. No. 1601074.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. The following agencies/individuals are being invited to become consulting parties:

Indiana State Historic Preservation Officer
Indiana Landmarks Western Regional Office
Clinton County Historian
Clinton County Historical Society and Museum
Tippecanoe County Historian
Tippecanoe County Historical Association
Area Plan Commission of Tippecanoe County
Clinton County Department of Area Planning
Clinton County Commissioners
Clinton County Council
Clinton County Highway Department
Tippecanoe County Commissioners
Tippecanoe County Council
Tippecanoe Highway Department
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Forest County Potawatomi Community

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

Please review the attached letter, which is also located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with your comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If a hard copy of the materials is needed, please respond to this email with your request within seven (7) days.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comments. If we do not receive a response from an invited consulting party within the time allotted, the project will proceed consistent with the proposed design. **Therefore, if we do not receive a response within thirty (30) days, your agency or organization will not receive any further information on the project unless the scope of work changes.**

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Karen Wood

Environmental and Cultural Resources Manager



Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46203

p 317.634.4110
f 866.422.2046 (toll free)

"Let the science and research of the historian find the fact and let his imagination and art make clear its significance."

George Trevelyan

Karen Wood

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Friday, July 19, 2019 11:57 AM
To: thpo@estoo.net; dhunter@miamination.com; michael.laronge@fcpotawatomi-nsn.gov; Matthew.Bussler@pokagonband-nsn.gov; lpappenfort@peoriatribe.com
Cc: Miller, Shaun (INDOT); Branigin, Susan; Kumar, Anuradha; michelle.allen@dot.gov; Karen Wood; Crutchfield, Brett
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana
Attachments: SR38_Des1601074_ECL-2019-7-19.pdf

Des. No.: 1601074

Project Description: SR 38 Road Rehabilitation Project

Location: SR 38 from 1.18 miles East of I-65 to the north junction of U.S. 421 in Tippecanoe County and Clinton County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 38 Road Rehabilitation Project, Des. No. 1601074.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. The following agencies/individuals are being invited to become consulting parties:

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Indiana Landmarks Western Regional Office
Clinton County Historian
Clinton County Historical Society and Museum
Tippecanoe County Historian
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Clinton County Department of Area Planning
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Clinton County Council
Clinton County Highway Department
Tippecanoe County Commissioners
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Tippecanoe Highway Department
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Forest County Potawatomi Community

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

Please review the attached letter, which is also located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with your comments on any historic

resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If a hard copy of the materials is needed, please respond to this email with your request within seven (7) days.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comments. If we do not receive a response from an invited consulting party within the time allotted, the project will proceed consistent with the proposed design. **Therefore, if we do not receive a response within thirty (30) days, your agency or organization will not receive any further information on the project unless the scope of work changes.**

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Kelyn Alexander

Historian

Cultural Resources Office

Environmental Services

100 N. Senate Ave., Room N642

Indianapolis, IN 46204

Office: (317) 234-4147

Email: kalexander3@indot.in.gov



**** Historic Property Report (HPR) guidelines can be found [here](#)**



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

Eric Holcomb, Governor
Joe McGuinness, Commissioner

July 19, 2019

This letter was sent to the listed parties.

RE: SR 38 Road Rehabilitation Project, Tippecanoe County and Clinton County, Indiana, Des. No. 1601074

Dear Consulting Party (see attached list),

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration, proposes to proceed with the SR 38 Road Rehabilitation Project (Des. No. 1601074). Green 3, LLC is a subconsultant to Hanson Professional Services Inc., who is under contract with the Indiana Department of Transportation to advance the environmental documentation for the referenced project.

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

The proposed undertaking is on SR 38 from 1.18 miles east of I-65 to the north junction of U.S. 421 in both Tippecanoe County and Clinton County, Indiana. Specifically, the project is located in Sheffield Township of Tippecanoe County, and Madison Township of Clinton County in the Stockwell, Lafayette East, Pymont, Mulberry, and Frankfort USGS Quadrangles in Sections 3, 4, 10, 11, 12, and 13, Township 22 North, Range 3 West; Sections 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 Township 22 North, Range 2 West; and Sections 18 and 19, Township 22 North, Range 1 West. The project length is 10.75 miles.

The need of the project is due to the poor structural, physical, and operational condition of the existing pavement, which include moderate to severe transverse and longitudinal cracking, and moderate rutting and raveling. The purpose of the project is to address the deficiencies of the roadway to provide an improved pavement structure and riding surface. SR 38 has a single travel lane in each direction. Pavement width is approximately 24 feet of two 12-foot-lanes with shoulders varying from 0-10 feet.

The project proposes to mill and overlay the roadway, widen the shoulders and install guardrail where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway with the possibility of the installation of on-street parking and the replacement of curb ramps, curbs, and gutter. There are two bridges within the project area (#38-79-6731 and #38-12-6199); it is anticipated that no work will occur on the bridges, and pavement exceptions are expected for the approaches and the bridge decks. Six culverts are expected to be extended or replaced underneath the roadway.

It is anticipated that the project will require approximately 40 acres of permanent and/or temporary right-of-way acquisition. No relocations of residences or businesses are expected for this project. The letting date is October 2021.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. In accordance with 36 CFR 800.2 (c), you are hereby requested to be a consulting party to participate in the Section 106 process. Entities that have been invited to participate in the Section 106 consultation process for this project are identified in the attached list. Per 36 CFR 800.3(f), we hereby request that the Indiana State Historic Preservation Officer (SHPO) notify this office if the SHPO staff is aware of any other parties that may be entitled to be consulting parties or should be contacted as potential consulting parties for the project.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. At this time, no cultural resource investigations have occurred; however, the results of cultural resource identification and evaluation efforts, both above-ground and archaeological, will be forthcoming. Consulting parties will receive notification when these reports are completed.

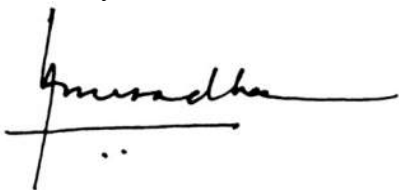
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party, or if you do not respond, you will not be included on the list of consulting parties for this project. If we do not receive your response in the time allotted, the project will proceed consistent with the proposed design and you will not receive further information about the project unless the design changes.

For questions concerning specific project details, you may contact Karen Wood of Green 3, LLC at 317-634-4110 or karen@green3studio.com. All future responses regarding the proposed project should be forwarded to Green 3, LLC at the following address:

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect St.
Indianapolis, IN 46203

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:
Topographic Map

Distribution List:

Indiana State Historic Preservation Officer
Indiana Landmarks Western Regional Office
Clinton County Historian
Clinton County Historical Society and Museum
Tippecanoe County Historian
Tippecanoe County Historical Association
Area Plan Commission of Tippecanoe County
Clinton County Department of Area Planning
Clinton County Commissioners
Clinton County Council
Clinton County Highway Department
Tippecanoe County Commissioners
Tippecanoe County Council
Tippecanoe Highway Department
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Forest County Potawatomi Community

Topographic Map
 SR 38 Road Rehabilitation
 Des. No. 1601074
 Stockwell, Lafayette East, Pymont,
 Mulberry, and Frankfort Quadrangles
 Tippecanoe and Clinton Counties, Indiana
 Source: United States Geological Survey



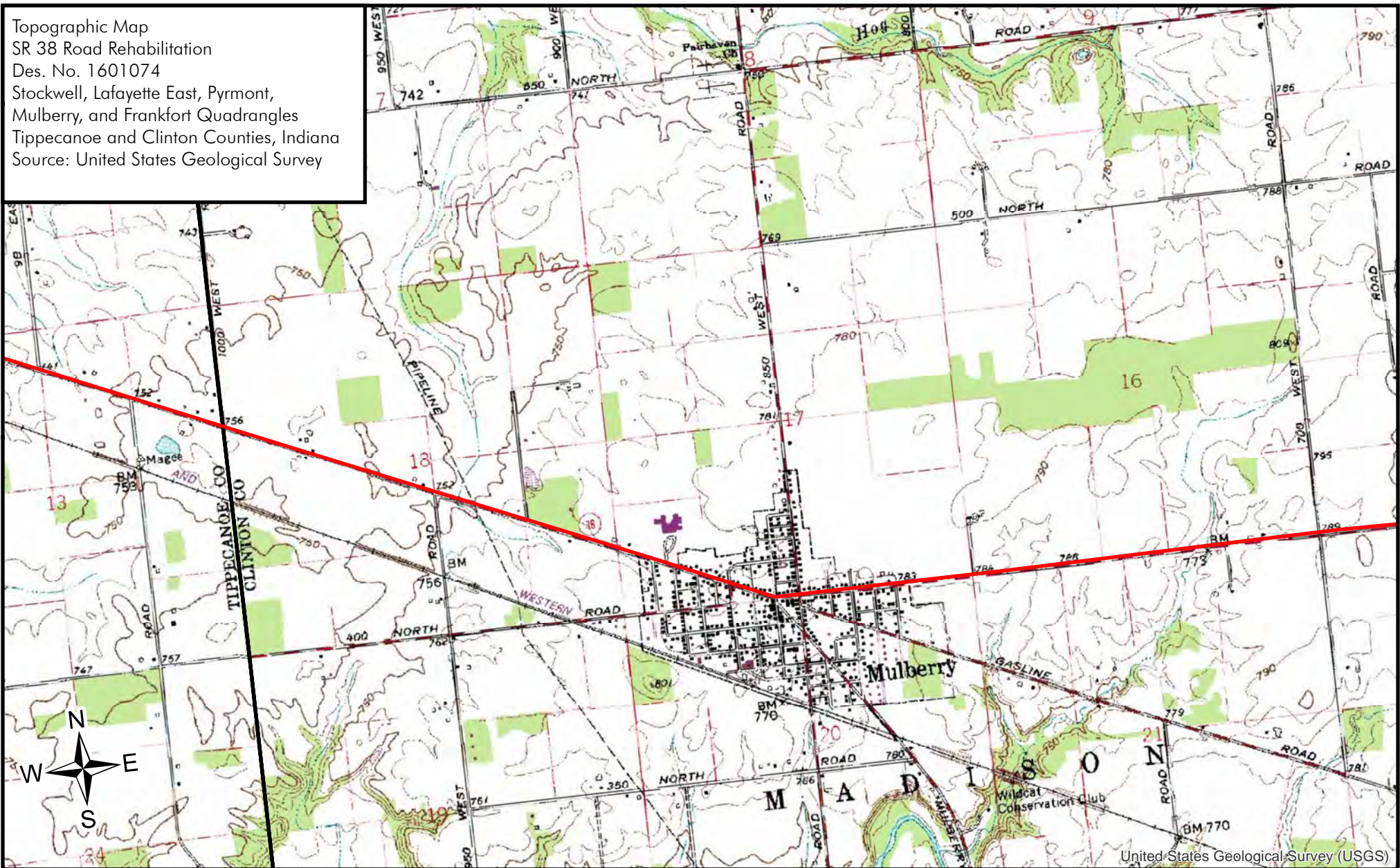
United States Geological Survey (USGS)

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 Miles

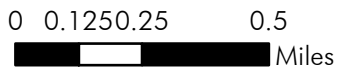
— Project Alignment



Topographic Map
 SR 38 Road Rehabilitation
 Des. No. 1601074
 Stockwell, Lafayette East, Pymont,
 Mulberry, and Frankfort Quadrangles
 Tippecanoe and Clinton Counties, Indiana
 Source: United States Geological Survey



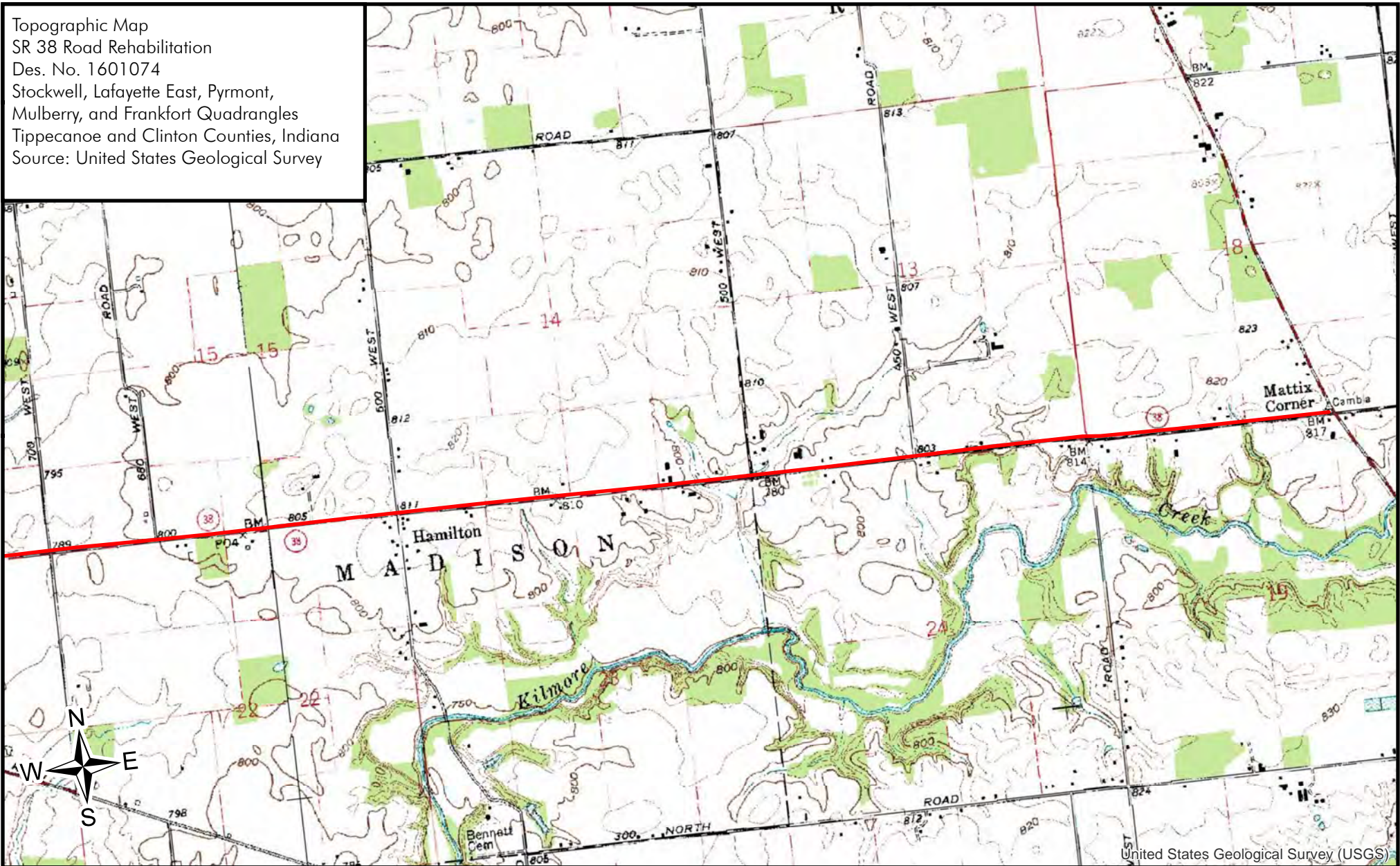
United States Geological Survey (USGS)



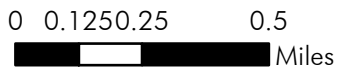
— Project Alignment



Topographic Map
SR 38 Road Rehabilitation
Des. No. 1601074
Stockwell, Lafayette East, Pymont,
Mulberry, and Frankfort Quadrangles
Tippecanoe and Clinton Counties, Indiana
Source: United States Geological Survey



United States Geological Survey (USGS)



— Project Alignment





Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov · www.IN.gov/dnr/historic



August 15, 2019

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect Street
Indianapolis, Indiana 46203

Federal Agency: Indiana Department of Transportation (“INDOT”),
on behalf of Federal Highway Administration, Indiana Division (“FHWA”)

Re: Early coordination letter for the SR 38 Road Rehabilitation Project, from 1.18 miles east of I-65 to the north
junction of US 421, in Tippecanoe and Clinton counties, Indiana (Des. No. 1601074; DHPA No. 24156)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO” or “INDNR-DHPA”) has reviewed INDOT’s July 19, 2019, early coordination letter, which we received on July 22, 2019.

We are not aware of any parties who should be invited to participate in the Section 106 consultation on this federal undertaking, beyond those whom INDOT already has invited. However, if right-of-way is likely to be taken from a potentially historic property, it might be advisable to invite the owner of that property as soon as possible.

We look forward to reviewing the proposed area of potential effects and the reports on investigations of above-ground cultural resources and of archaeological resources that INDOT indicated will be forthcoming.

Does this project begin at the eastern terminus of the State Road 38 Reconstruction—Dayton (Des. No. 1601073), which also is undergoing Section 106 review?

The anticipated 40 acres of permanent or temporary right-of-way that will be required for the project is considerable, even for a 10.75-mile-long project. Is most of the need for acquisition of permanent right-of-way the result of INDOT’s inability to verify through deed records that INDOT already has fee simple absolute title or an easement that extends beyond the edge of the current pavement?

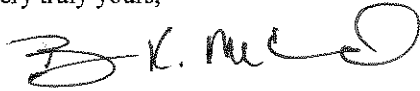
Will this project area on SR 38 remain open to through traffic during construction, or will there probably be an official or unofficial detour (i.e., one that is likely to be heavily used even though it is not designated)? If a detour is probable, then please consider, as the area of potential effects is being developed and proposed, whether the detour could cause congestion or access problems for historic properties outside the SR 38 corridor.

The Indiana SHPO staff’s archaeological reviewer for this project is Beth K. McCord, and the structures reviewer is John Carr. However, if you have a question about the Section 106 process, please contact initially the INDOT Cultural Resources staff members who are assigned to this project.

Karen Wood
August 15, 2019
Page 2

In all future correspondence about the SR 38 Road Rehabilitation Project in Tippecanoe and Clinton counties (Des. No. 1601074), please refer to DHPA No. 24156.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:JLC:jlc

emc: Robert Dirks, P.E., FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Shirley Clark, INDOT
Karen Wood, Green 3, LLC
John Carr, INDNR-DHPA
Beth McCord, INDNR-DHPA

Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355

Via email: smiller@indot.IN.gov

August 22, 2019

Shaun Miller
Archaeological Team Lead
Cultural Resources Office, Indiana DOT
575 North Pennsylvania Street
Indianapolis, IN 46204

Re: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana – Comments of the Miami Tribe of Oklahoma

Dear Mr. Miller:

Aya, kikwehsitoole – I show you respect. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this project is within the aboriginal homelands of the Miami Tribe, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at dhunter@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,



Diane Hunter
Tribal Historic Preservation Officer

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Monday, August 26, 2019 9:00 AM
To: Karen Wood
Cc: Alexander, Kelyn
Subject: FW: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana – Comments of the Miami Tribe of Oklahoma
Attachments: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana – Comments of the Miami Tribe of Oklahoma.pdf

Good morning Karen,

Please find attached a response to the ECL from the Miami Tribe.

Thank you,

Shaun Miller
INDOT, Cultural Resources Office
Archaeology Team Lead
(317)233-6795

From: Diane Hunter [mailto:dhunter@miamination.com]
Sent: Thursday, August 22, 2019 5:17 PM
To: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Subject: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe and Clinton County, Indiana – Comments of the Miami Tribe of Oklahoma

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dear Mr. Miller:

Attached you will find the response of the Miami Tribe of Oklahoma to the above-mentioned project.

Diane Hunter
Tribal Historic Preservation Officer
Miami Tribe of Oklahoma
dhunter@miamination.com
918-541-8966

Karen Wood

From: Karen Wood
Sent: Thursday, April 30, 2020 4:20 PM
To: McCord, Beth K; John Carr
Cc: Alexander, Kelyn; Miller, Shaun (INDOT); Branigin, Susan; akumar@indot.in.gov
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe Co. and Clinton Co.
Attachments: SR38_Des1601074_ReportDistribLetter_2020-4-30.pdf

Des. No.: 1601074

Project Description: SR 38 Road Rehabilitation Project

Location: SR 38 from 1.18 miles East of I-65 to the north junction of U.S. 421 in Tippecanoe County and Clinton County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with SR 38 Road Rehabilitation Project, Des. No. 1601047. The Section 106 Early Coordination Letter for this project was originally distributed on July 19, 2019.

As part of Section 106 of the National Historic Preservation Act, a Historic Property Report and Archaeology Report have been prepared and are ready for review and comment by consulting parties.

Please review this documentation located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with any comments that you may have. If a hard copy of the materials is needed, please respond to this email with your request within seven (7) days.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Karen Wood

Environmental and Cultural Resources Manager

g r e e n • 3



Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46203

p 317.634.4110
f 866.422.2046 (toll free)

"Let the science and research of the historian find the fact and let his imagination and art make clear its significance."

George Trevelyan

Karen Wood

From: Alexander, Kelyn <KAlexander3@indot.IN.gov>
Sent: Thursday, April 30, 2020 6:02 PM
To: Diane Hunter
Cc: Miller, Shaun (INDOT); Branigin, Susan; Kumar, Anuradha; michelle.allen@dot.gov; Karen Wood; Korzeniewski, Patricia J
Subject: FHWA Project: Des. No. 1601074; SR 38 Road Rehabilitation Project, Tippecanoe Co. and Clinton Co.
Attachments: SR38_Des1601074_ReportDistribLetter_2020-4-30.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Des. No.: 1601074

Project Description: SR 38 Road Rehabilitation Project

Location: SR 38 from 1.18 miles East of I-65 to the north junction of U.S. 421 in Tippecanoe County and Clinton County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with SR 38 Road Rehabilitation Project, Des. No. 1601047. The Section 106 Early Coordination Letter for this project was originally distributed on July 19, 2019.

As part of Section 106 of the National Historic Preservation Act, a Historic Property Report and Archaeology Report have been prepared and is ready for review and comment by consulting parties.

Please review this documentation located in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE), and respond with any comments that you may have. If a hard copy of the materials is needed, please respond to this email with your request within seven (7) days.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Kelyn Alexander

Historian

Cultural Resources Office

Environmental Services

100 N. Senate Ave., Room N642

Indianapolis, IN 46204

Office: (317) 234-4147

Email: kalexander3@indot.in.gov

**** Historic Property Report (HPR) guidelines can be found [here](#)**



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

Eric Holcomb, Governor
Joe McGuinness, Commissioner

April 30, 2020

This letter was sent to the listed parties.

RE: SR 38 Road Rehabilitation Project, Tippecanoe and Clinton counties, Des. No. 1601074, DHPA No. 24156

Dear Consulting Party,

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 38 Road Rehabilitation Project (Des. No. 1601074).

This letter is part of the Section 106 review process for this project. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic and archaeological properties. We are requesting comments from you regarding the possible effects of this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

A Section 106 early coordination letter was distributed on July 19, 2019.

The proposed undertaking is on State Route (SR) 38 from 1.18 miles east of I-65 to the north junction of U.S. 421 in both Tippecanoe County and Clinton County, Indiana. Specifically, the project is located in Sheffield Township of Tippecanoe County, and Madison Township of Clinton County in the Stockwell, Lafayette East, Pymont, Mulberry, and Frankfort USGS Quadrangles in Sections 3, 4, 10, 11, 12, and 13, Township 22 North, Range 3 West; Sections 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 Township 22 North, Range 2 West; and Sections 18 and 19, Township 22 North, Range 1 West. The project length is 10.75 miles.

The need of the project is due to the poor structural, physical, and operational condition of the existing pavement, which includes moderate to severe transverse and longitudinal cracking, and moderate rutting and raveling. The purpose of the project is to address the deficiencies of the roadway to provide an improved pavement structure and riding surface. SR 38 has a single travel lane in each direction. Pavement width is approximately 24 feet, consisting of two 12-foot-lanes with shoulders varying from 0-10 feet.

Under Des. No. 1601074, the project proposes to mill and overlay the roadway, widen the shoulders and install guardrail where necessary. Through the Town of Mulberry, the project proposes to mill and overlay the roadway with the possibility of the installation of on-street parking and the replacement of curb ramps, curbs, and gutter. There are two bridges within the project area (#38-79-6731 and #38-12-6199); it is anticipated that no work will occur on the bridges and pavement exceptions are expected for the approaches and the bridge decks.

Five additional Des. Numbers have been bundled under Des. No. 1601074, which involve the maintenance and repair of five small structures:

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An Equal Opportunity Employer

- Des. No. 1902042, CV-038-012-10.20 located 6.20 mi W of N. Jct. of US 421/SR 39
- Des. No. 1902043, CV-038-012-14.60 located 1.83 mi W. of N. Jct. of US 421/SR 39
- Des. No. 1902044, CV-038-012-14.70 located 1.66 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000800, CLV-038-079-7.58 located 8.43 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000802, CLV-038-079-8.88 and CLV-038-079-8.86 located 7.53 mi W of N. Jct. of US 421/SR 39.

Forty-eight culverts are expected to be extended or replaced underneath the roadway. It is anticipated that the project will require approximately 59 acres of permanent and/or temporary right-of-way acquisition. No relocations are expected for this project. The anticipated letting date is October 2021.

Hanson Professional Services is under contract with INDOT to advance the environmental documentation for the referenced project. Green 3, LLC has been subcontracted to complete the Section 106 documentation for the project.

In accordance with 36 CFR 800.2 (c), you were invited to become a consulting party as part of the Section 106 process, or you are hereby invited to become a consulting party as part of the Section 106 process. Entities that have previously accepted consulting party status--as well as additional entities that are currently being invited to become consulting parties--are identified in the attached list.

The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, to assess the undertaking's effects and to seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. For more information regarding the protection of historic resources, please see the Advisory Council on Historic Preservation's guide: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* available online at <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains no resources listed in the National Register of Historic Places (NRHP).

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, two resources are recommended as eligible for listing in the NRHP: the Trinity Reformed Church, IHSSI No. 023-440-23038, 213 E. Jackson St. and the Mulberry Commercial Historic District, IHSSI No. 023-440-21001-025.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified 15 sites within the project area. As a result of these efforts, three sites 12-C1-246, 12-C1-247, and 12-Cn-253 were recommended as potentially eligible for listing in the NRHP and further work is recommended.

The State Historic Preservation Officer (SHPO) and the Miami Tribe of Oklahoma accepted consulting party status.

In their letter dated August 15, 2019, the SHPO staff had the following comments:

SHPO comment: "Does this project begin at the eastern terminus of the State Road 38 Reconstruction—Dayton (Des. No. 1601073), which also is undergoing Section 106 review?"

Green 3 Response: Yes.

SHPO comment: “The anticipated 40 acres of permanent or temporary right-of-way that will be required for the project is considerable, even for a 10.75-mile-long project. Is most of the need for acquisition of permanent right-of-way the result of INDOT’s inability to verify through deed records that INDOT already has fee simple absolute title or an easement that extends beyond the edge of the current pavement?”

Green 3 Response: Yes, almost all the need for acquisition of permanent right-of-way the result of INDOT’s inability to verify through deed records that INDOT already has fee simple absolute title or an easement that extends beyond the edge of the current pavement. The current proposed right-of-way acquisition has changed from 40 acres to 59 acres based on deed research for the entire corridor.

SHPO comment: Will this project area on SR 38 remain open to through traffic during construction, or will there probably be an official or unofficial detour (i.e. one that is likely to be heavily used even though it is not designated)?”

Green 3 Response: The maintenance of traffic (MOT) plan is still being developed. We will consider the impacts to the historic properties as the MOT plan is prepared. The traffic maintenance during construction of the SR 38 project will require full and partial closures with access to local traffic at all times. The official state detour route for all truck traffic (going west to east) would be either: I-65 north to SR 26 to US 421/SR 39 (approximately 21.1 miles) or I-65 south to SR 28 to US 421/SR 39 (approximately 24.3 miles).

The Historic Property Report and Archaeology Report (Tribes only) are available for review in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). You are invited to review these documents and to respond with comments on any historic resource impacts incurred as a result of this project so that an environmental report can be completed. We also welcome your related opinions and other input to be considered in the preparation of the environmental document. If you prefer a hard-copy of this material, please respond to this email with your request within seven (7) days.

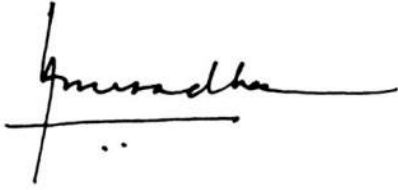
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting parties for this project and will not receive further information about the project unless the design changes.

For questions concerning specific project details, you may contact Karen Wood of Green 3, LLC at (317) 634-4110 or karen@green3studio.com. All future responses regarding the proposed project should be forwarded to Green 3, LLC at the following address:

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect Street
Indianapolis, Indiana, 46203
karen@green3studio.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Sincerely,

A handwritten signature in black ink, appearing to read "Anuradha", written over a horizontal line. There are two small dots below the line.

Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

Historic Properties Report (this document may be found on the IN SCOPE site if you are receiving this letter by email)

Archaeology Report (this document may be found on the IN SCOPE site for tribes and SHPO only if you are receiving this letter by email)

Distribution List:

Indiana State Historic Preservation Officer, BMccord@dnr.IN.gov, JCarr@dnr.IN.gov
Miami Tribe of Oklahoma

Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov · www.IN.gov/dnr/historic



May 29, 2020

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect Street
Indianapolis, Indiana 46203

Federal Agency: Indiana Department of Transportation (“INDOT”),
on behalf of Federal Highway Administration, Indiana Division (“FHWA”)

Re: Historic property report (Wood, 4/2020) and archaeological records review and reconnaissance report (Jackson, 4/2/2020) for the SR 38 Road Rehabilitation Project, from 1.18 miles east of I-65 to the north junction of US 421, in Tippecanoe and Clinton counties, Indiana (Des. No. 1601074; DHPA No. 24156)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO” or “INDNR-DHPA”) has reviewed INDOT’s April 30 letter and the enclosed reports, which we received on May 6, 2020.

Thank you for answering the questions we raised in our August 15, 2019, letter.

It is our understanding that what is being treated as one undertaking (Des. No. 1601074) includes five additional projects that involve the maintenance and repair of five small structures:

- Des. No. 1902042, CV-038-012-10.20 located 6.20 mi W of N. Jct. of US 421/SR 39
- Des. No. 1902043, CV-038-012-14.60 located 1.83 mi W. of N. Jct. of US 421/SR 39
- Des. No. 1902044, CV-038-012-14.70 located 1.66 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000800, CLV-038-079-7.58 located 8.43 mi W of N. Jct. of US 421/SR 39
- Des. No. 2000802, CLV-038-079-8.88 and CLV-038-079-8.86 located 7.53 mi W of N. Jct. of US 421/SR 39.

The area of potential effects (“APE”) proposed in the historic property report (“HPR”; Wood 4/2020) appears to be of appropriate dimensions to encompass the geographic area in which this federal undertaking may cause effects.

Based the information and analysis in the HPR, we agree that the Mulberry Commercial Historic District (IHSSI No.023-440-21001-025) is eligible for inclusion in the National Register of Historic Places (“NRHP”) under criteria A and C, with the historic property boundaries proposed on page A-11.

Although we do not know much about the integrity of the interior of the 1895 Trinity Reformed Church (IHSSI No. 023-440-23038) at 213 E. Jackson Street in Mulberry, other than that the pews were replaced in 1955 and most of the interior doors appeared original as of 1996, we agree, for the purposes of the Section 106 review of this federal undertaking, that the church building is eligible for inclusion in the NRHP under Criterion C for architecture, with the historic property boundaries shown on page A-11.

We also agree that Trinity Reformed Church and the Mulberry Commercial Historic District are the only aboveground properties eligible for listing the within the APE. However, if another consulting party (of which there are few) or a member of the public

expresses a different opinion in a timely fashion about historic aboveground properties within the APE, then there should be further consultation on that issue.

In regard to the archaeological report, we will note the following suggestions for future archaeological reports. The 2008 edition of Cantin's chert types of Indiana should be utilized since it is more recent and comprehensive than those cited in the report. We also note the presentation of the survey areas was not well organized. For a linear survey, this section did not follow a logistic geographic organization from either east to west or west to east but was instead organized by survey methods creating a disjointed presentation of the project area. Finally, we note that figure labels were hard to distinguish and would request a that different color scheme or halos of the text be utilized in future reports for clarity.

Based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we concur with the opinion of the archaeologist, as expressed in the submitted archaeological survey report (Jackson, 4/2/2020), that archaeological sites 12Cn245, 12Cn248, 12Cn249, 12Cn251, 12Cn252, 12Cn254, 12T1241 and 12T1242 are not eligible for inclusion in the NRHP. Further we agree that portions of archaeological sites 12Cn244, 12Cn250 and 12T1240 do not appear to be eligible for inclusion in the NRHP. As the site boundaries for these three sites extend beyond the limits surveyed, the unsurveyed portions remain unevaluated for inclusion in the NRHP. If the project boundaries should change, further archaeological investigations in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716) will be necessary. Finally, we agree with recommendation that sites 12Cn246, 12Cn247 and 12Cn253 are potentially eligible for inclusion in the NRHP. If these sites cannot be avoided by the project, further archaeological evaluation will be necessary. Thank you for submitting the archaeological site forms in SHAARD. They have been reviewed and approved.

As noted in the archaeology report, the project area is within the Dayton/Fairfield cemetery (CR-79-67, IHSSI 157-332-47006). We understand that design is still preliminary and the project footprint at the cemetery has not yet been defined. Once this has been determined, cemetery development plan will be necessary under Indiana Code 14-21-1-26.5 for any ground disturbance within 100 feet of the cemetery.

If no right-of-way is to be acquired within the Mulberry Commercial Historic District or from Trinity Reformed Church, other than perhaps temporary right-of-way for replacement of curb ramps, curbs, and gutters; if no one else expresses the opinion that another property within the APE is eligible for the NRHP; and if the project boundaries do not change, then we do not think it would be necessary to provide project plans or an effects letter to the consulting parties. If that is the case, then it might now be appropriate to ask INDOT for a finding.

The Indiana SHPO staff's archaeological reviewer for this project is Beth K. McCord, and the structures reviewer is John Carr. However, if you have a question about the Section 106 process, please contact initially the INDOT Cultural Resources staff members who are assigned to this project.

In all future correspondence about the SR 38 Road Rehabilitation Project in Tippecanoe and Clinton counties (Des. No. 1601074), please continue to refer to DHPA No. 24156.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:JLC:jlc

emc: Karstin Carmany-George, FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Shirley Clark, INDOT
Karen Wood, Green 3, LLC
Christopher Jackson, Green 3, LLC
Miami Tribe of Oklahoma
John Carr, INDNR-DHPA
Beth McCord, INDNR-DHPA

SR 38 Road Rehabilitation Project

Tippecanoe County and Clinton County, Indiana
HISTORIC PROPERTY REPORT

INDOT Des. No. 1601074; DHPA No. 24156

April 2020



Prepared for:
Hanson Professional Services
7820 Innovation Blvd.
Indianapolis, IN 46278

By:

Karen Wood
Environmental and Cultural Resource Manager
Green 3, LLC
Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46203

p. 317.634.4110 f. 866.422.2046 karen@green3studio.com



Management Summary

This report documents the identification and evaluation efforts for properties included in the Area of Potential Effects (APE) for the State Road (SR) 38 Road Rehabilitation Project, Tippecanoe and Clinton counties, Indiana (Des. No. 1601074). Above-ground resources located within the project APE were identified and evaluated in accordance with Section 106, National Historic Preservation Act (NHPA) of 1966, as amended, and the regulations implementing Section 106 (36 CFR Part 800).

As a result of the NHPA, as amended, and CFR Part 800, federal agencies are required to take into account the impact of federal undertakings upon historic properties in the area of the undertaking. Historic properties include buildings, structures, sites, objects, and/or districts that are eligible for or listed in the National Register of Historic Places (National Register). As this project is receiving funding from the Federal Highway Administration (FHWA), it is subject to a Section 106 review.

The APE contains no properties listed in the National Register.

The APE contains two properties that are recommended eligible for listing in the National Register: the Mulberry Commercial Historic District, Indiana Historic Sites and Structures Inventory (IHSSI) No. 023-440-21001-025 and the Trinity Reformed Church, IHSSI No. 023-440-23038, 213 E. Jackson Street.



An Archaeological Records Review and Field Investigation for the Proposed SR 38 Road Rehabilitation Project (Des 1601074), approximately 1.07 miles from Interstate 65 to US Highway 421, Clinton and Tippecanoe Counties, Indiana

March 9, 2020

Prepared for:
Hanson Professional Services
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green • 3



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ABSTRACT

In March 2019, Hansen Professional Services contracted Green 3, LLC to conduct a Phase Ia archaeological records review and reconnaissance survey for the proposed State Road (SR) 38 HMA Overlay (Des 1601074) in Tippecanoe and Clinton Counties, Indiana. The proposed project will commence at the intersection of SR 38 and Adams Road where it runs in a southeasterly direction to the Town of Mulberry, at which point the highway heads in an easterly direction terminating at the intersection of SR 38 and SR 39/US Highway 421.

Specifically, the project area in Tippecanoe County is situated in Sections 3, 4, and 10 to 13, Township 22 North, Range 3 West, Sheffield Township. The Clinton County portion is located in Sections 14 to 18 and 20 to 23, Township 22 North, Range 2 West, Madison Township; Section 13, Township 22 North, Range 2 West as well as Section 18, Township 22 North, Range 1 West, Ross Township; and Section 24, Township 22 North, Range 2 West as well as Section 19, Township 22 North, Range 1 West, Union Township.

The proposed project is approximately 10.75 miles in length with a maximum width of 120 feet. The total area that was archaeologically examined was approximately 128 acres.

The proposed project will consist of the mill and overlay of the roadway and the addition of full depth asphalt shoulders in order to provide lateral structural support that will eliminate fatigue at the edge of the pavement. This will be accomplished via asphalt widening of the roadway and surface milling that will be followed by an HMA surface course. Guardrail is anticipated to be installed where necessary.

The addition of the shoulders will commence at the intersection of SR 38 and CR East 800 South and will continue to the Town of Mulberry. Shoulders will be added from west of the town to the eastern terminus.

The records review indicated that no section of the project area, in which the addition of shoulders will occur, had been previously surveyed. It was also ascertained that no sites had been recorded in those sections.

The field investigation documented 12 sites (12-Cn-244 to 12-Cn-254, and 12-T-1240 to 12-T-1242). These sites consisted of seven historic scatters, two lithic scatters, two prehistoric isolated finds, and two multicomponent (historic/prehistoric) sites. Based on the data obtained from the field investigation, it is recommended that nine of the sites (12-Cn-244, 12-Cn-245, 12-Cn-248 to 12-Cn-252, 12-Cn-254, and 12-T-1240 to 12-T-1242) are not eligible for listing on the NRHP and that no further archaeological work should be undertaken.

The data suggested that sites 12-Cn-246, 12-Cn-247, and 12-Cn-253 (historic component only) have the potential to provide information that would increase our

knowledge of the history of the region. Because of this, it is recommended that these three sites are potentially eligible for placement on the NRHP and should be avoided by the proposed construction activities. If this is not possible, then it is recommended that a Phase II investigation should be undertaken in order to provide additional data that will aid in the NRHP evaluation of each site.

APPENDIX E

Red Flag and Hazardous Materials



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 232-5113
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Eric Holcomb, Governor
Joe McGuinness,
Commissioner

Date: April 17, 2020

To: Site Assessment & Management
Environmental Policy Office - Environmental Services Division
Indiana Department of Transportation
100 N Senate Avenue, Room N642
Indianapolis, IN 46204

From: Tamra Reece and Jeff Bushur
Hanson Professional Services Inc.
6510 Telecom Drive, Suite 210
Indianapolis, IN 46278
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Re: RED FLAG INVESTIGATION
DES # 1601074, State Project
HMA Overlay Minor Structural
SR 38, from 1.07 mile east of I-65 to US 421
Tippecanoe and Clinton Counties, Indiana

PROJECT DESCRIPTION

Brief Description of Project:

The project consists of hot mix asphalt (HMA) overlay and shoulder replacement from 1.07 miles east of I-65 to US 421/SR 39. The project is in Tippecanoe and Clinton Counties, within the Crawfordsville District. The overall project length is approximately 10.75 miles. The preferred alternative is to mill 4-inches off the existing pavement and inlay with 4-inches of HMA surface material with shoulder widening along the SR 38 travel lanes. The current recommended shoulder replacement will include two-feet of paved shoulders with one-foot widths of aggregate at an approximate depth of one-foot, in various areas throughout the SR 38 corridor. In addition to the HMA inlay and shoulder replacement activities, various intersections within the Town of Mulberry will have concrete curb ramp, sidewalk repaired, replaced, upgraded, or installed. A total of thirty-two (32) curb ramps will be updated (see Table 1). In addition to the overlay and shoulder replacement, five (5) culverts are scheduled for replacement or improvements at various locations and depths throughout the project area (see Table 2). All work will be done under the lead Designation No. 1601074. Additional designation numbers for culverts are for financial tracking purposes only (see Table 2).

Table 1: Curb Ramp Activity

Intersections	Quadrants	Depth of Excavation (inches below ground surface)	Hazardous Material Concerns Review
Glick Street	SW, SE, NW, NE	4 to 6	Potential impact
Jefferson Street	SE	4 to 6	Potential impact
Main Street	SW, SE, NW, NE	4 to 6	Potential impact
West Street	SE	4 to 6	No impact is expected
Willard Street	SW, SE	4 to 6	No impact is expected
Hobston Street	SW, SE	4 to 6	No impact is expected
Brandon Street	SW, SE	4 to 6	No impact is expected
Elm Street	SW, SE, NW, NE	4 to 6	No impact is expected
Greeley Street	SW, SE, NW, NE	4 to 6	No impact is expected
Indiana Street	SW, SE	4 to 6	No impact is expected
Clinton Street	SW, SE	4 to 6	No impact is expected
509 E. Jackson Street (between Jackson and Madison Streets)	SW	4 to 6	No impact is expected
515 E. Jackson Street (between Jackson and Madison Streets)	SE	4 to 6	No impact is expected
Madison Street	SW, SE	4 to 6	No impact is expected
601 E. Jackson Street (between Madison and Park Street)	SW	4 to 6	No impact is expected

Bridge and/or Culvert Project: Yes No Structure # _____

Table 2: Culvert Activity

Designation Number	Culvert Number	Activities Associated with Culvert	Depth of excavation (feet below ground surface)	Hazardous Material Concerns Review
1902042	CV 038-012-10.20	Pipelining and headwalls	4.0 (to bottom of footer for headwalls)	No impact is expected
1902043	CV 038-012-14.60	Replacement	16.0	No impact is expected
1902044	CV 038-012-14.77	Replacement	12.5	No impact is expected
2000800	CV 038-079-07.58	Replacement	9.5	No impact is expected
2000802	CV 038-079-08.88	Replacement	10.9	No impact is expected

If this is a bridge project, is the bridge Historical? Yes No , Select Non-Select

(Note: If the project involves a historical bridge, please include the bridge information in the Recommendations Section of the report).

Proposed right of way: Temporary # Acres _____ Permanent # Acres 65-85, Not Applicable

The required permanent and temporary right-of-way limits will be determined after the preliminary design is complete. Permanent and/or temporary right-of-way acquisitions are estimated to be required from 170 parcels. No relocations are anticipated.

Type of excavation: The project includes partial replacement of asphalt to a depth of 4-inches and full or partial replacement of shoulders along the SR 38 corridor. The current recommended shoulder replacement would include two-

feet of paved shoulders with one-foot widths of aggregate at an approximate depth of one-foot in various areas throughout the SR 38 corridor. Depth of excavation for the ADA curb ramps will be 4 to 6 inches below ground surface (bgs) (see Table 1), and excavation for culvert work will be 4 to 16 feet bgs (see Table 2).

Maintenance of traffic: This project would involve a full or partial closure with access to local traffic with an official state detour route for all through traffic. If there is a need for a closure of SR 38, the official detour (going west to east) would be one of two options:

1. I-65 north to SR 26 to US 421/SR 39, (approximately 21.1 miles).
2. I-65 south to SR 28 to US 421/SR 39 (approximately 24.3 miles).

Work in waterway: Yes No Below ordinary high water mark: Yes No

State Project: LPA:

Any other factors influencing recommendations: Not applicable.

INFRASTRUCTURE TABLE AND SUMMARY

Infrastructure			
Indicate the number of items of concern found within the 0.5-mile search radius. If there are no items, please indicate N/A:			
Religious Facilities	4	Recreational Facilities	3
Airports ¹	1	Pipelines	4
Cemeteries	4	Railroads	2
Hospitals	1	Trails	N/A
Schools	1	Managed Lands	N/A

¹In order to complete the required airport review, a review of public airports within 3.8 miles (20,000 feet) is required.

Explanation:

Religious Facilities: Four (4) religious facilities are located within the 0.5-mile search radius. Two (2) religious facilities are adjacent to the project area:

- Gloria Dei Lutheran Church, located at 610 West Jackson Street, 0.19 mile west of the intersection of SR 38 and West Street on the north side of SR 38, within the Town of Mulberry, and
- Trinity Church of Mulberry, 103 South Main Street, located on the southeast corner of the intersection of SR 38 and South Main Street within the Town of Mulberry.

Coordination with these religious facilities will occur.

Airports (Private): One (1) private airport, Miller Field, is located within the 0.5-mile search radius. Miller Field is approximately 0.44 mile south of the project area. Coordination with Miller Field will occur.

Cemeteries: Four (4) cemeteries are located within the 0.5-mile search radius. The nearest cemetery, Dayton Cemetery, also known as Fairfield Cemetery, is adjacent to the project area along the north side of SR 38 at the western termini of the project area within the town of Dayton. A Cemetery Development Plan may be required since this project is within 100 feet of the cemetery. Coordination with INDOT Cultural Resources will occur.

Hospital: The American Health Network Family Clinic (AHNFC) is located within the 0.5-mile search radius. The AHNFC is adjacent to the project area at 502 West Jackson Street within the town of Mulberry. After verification of the physical address by correspondence with the AHNFC, it is noted that the current icon represented on the GIS map does not reflect the physical location of the clinic. The clinic, called Mulberry Health, is approximately 0.03 mile west of the intersection of South Willard Street and SR 38 within the Town of Mulberry. Coordination with the clinic will occur.

School: One (1) school is located within the 0.5-mile search radius. The Dayton Elementary School is 0.39 mile north of SR 38 within the town of Dayton. The school is a transportation hub for two (2) additional schools within the Tippecanoe School Corporation. Coordination with the Tippecanoe School Corporation will occur.

Recreational Facility: Three (3) recreational facilities are located within the 0.5-mile search radius. The nearest facility, the Dayton Access site, is 0.14 mile north of the project area on South 800 East. Coordination with the Indiana Department of Natural Resources (IDNR) or Tippecanoe County Parks Department will occur.

Pipelines: Four (4) pipeline segments are located within the 0.5-mile search radius. Three (3) pipeline segments cross the project area in various locations:

- Texas Eastern Transmission Corporation, approximately 0.94 mile east of the Town of Dayton.
- Amoco Oil Company, approximately 4.62 miles east of the Town of Dayton; and
- Gulf Central Pipeline Company, approximately 8.95 miles east of the Town of Dayton.

Coordination with INDOT Utilities and Railroads should occur.

Railroads: Two (2) segments of the Norfolk and Southern (NS) railroad are located within the 0.5-mile search radius. The NS railroad is approximately 0.21 mile south of SR 38. No impact is expected.

WATER RESOURCES TABLE AND SUMMARY

Water Resources			
Indicate the number of items of concern found within the 0.5-mile search radius. If there are no items, please indicate N/A:			
NWI - Points	1	Canal Routes - Historic	N/A
Karst Springs	N/A	NWI - Wetlands	92
Canal Structures – Historic	N/A	Lakes	14
NPS NRI Listed	N/A	Floodplain - DFIRM	7
NWI-Lines	8	Cave Entrance Density	N/A
IDEM 303d Listed Streams and Lakes (Impaired)	35	Sinkhole Areas	N/A
Rivers and Streams	44	Sinking-Stream Basins	N/A

Explanation:

NWI – Points: One (1) wetland point is located within the 0.5-mile search radius. The NWI point is approximately 0.11 mile north of SR 38 and 0.95 mile west of US 421. No impact is expected.

NWI – Lines: Eight (8) NWI segments are located within the 0.5-mile search radius. The nearest segment is approximately 0.04 mile south of SR 38 and the intersection of North 900 East. No impact is expected.

IDEM 303d Listed Streams and Lakes (Impaired): Thirty-five (35) 303d Listed Stream segments are located within the 0.5-mile search radius. Seven (7) segments are located within the project area.

- South Fork of Wildcat Creek is approximately 0.63 mile east of the Town of Dayton. The creek is listed as impaired for E. coli, Dissolved Oxygen (DO) and PCBs in fish tissue.
- Unnamed tributary (UNT) to South Fork of the Wildcat Creek is approximately 3.54 miles east of the Town of Dayton. The UNT is listed as impaired for Impaired Biotic Communities (IBC).
- Middle Fork of the Wildcat Creek is approximately 1.01 miles west of North Main Street in the Town of Mulberry. The creek is listed as impaired for E. coli.
- Kilmore Creek and Hog Run are listed as impaired for E. coli at various approximate locations: 0.28, 1.67, 1.81, 2.35 and 6.17 miles west of US 421.

Workers who are working in or near water with E. coli should take care to wear appropriate personal protective

equipment (PPE), observe proper hygiene procedures, including regular hand washing, and limit personal exposure. Concerning Impaired Biotic Communities (IBC) and Dissolved Oxygen (DO), Best Management Practices (BMPs) will be used to avoid further degradation to the stream. Concerning PCBs in fish tissue, exposure to PCBs in fish tissue is considered low, assuming workers are not eating biota surrounding or associated with the water body. If there will be sediment and/or soils disturbed by construction, additional investigation may be necessary. Coordination with INDOT Site Assessment and Management (SAM) will occur prior to any work.

Rivers/Streams – Forty-four (44) river/stream segments are located within the 0.5-mile search radius. A Waters of the US Report will be prepared and coordination with INDOT Ecology and Waterway Permitting will occur for the following items:

- Three (3) water features, the South Fork of the Wildcat Creek, Kilmore Creek and Hog Run Creek, are located within the 0.5-mile search radius and within the project area.
- Five (5) intermittent stream segments are located within the project area at various locations approximately: 4.66, 6.86, 9.03, 9.22, 10.57 miles east of the Town of Dayton.
- Four (4) artificial paths are within and adjacent to the project area. The nearest artificial path, the South Fork of the Wildcat Creek, is approximately 0.63 mile east of the Town of Dayton.

NWI – Wetlands: Ninety-two (92) NWI wetland polygons are located within the 0.5-mile search radius. The nearest is adjacent to the project area approximately 0.65 mile east of the Town of Dayton. The wetland is associated with the South Fork of Wildcat Creek. A Waters of the US Report will be prepared and coordination with INDOT Ecology and Waterway Permitting will occur.

Lakes – Fourteen (14) lakes are located within the 0.5-mile search radius. The nearest lake is adjacent to the project area approximately 0.28 mile east and 0.31 mile south of the Town of Dayton. A Waters of the US Report will be prepared and coordination with INDOT Ecology and Waterway Permitting will occur.

Floodplain – DFIRM: Seven (7) floodplain polygons are located within the 0.5-mile search radius. The project area is located within one of the floodplain polygons approximately 0.5 mile east of the Town of Dayton. Coordination with INDOT Ecology and Waterway Permitting will occur.

URBANIZED AREA BOUNDARY SUMMARY

The west section of the project lies within the Dayton Urbanized Area Boundary (UAB). Post construction Storm Water Quality BMPs may need to be considered. An early coordination letter with topographic and aerial maps showing the project area should be sent to the MS4 Coordinator at P.O. Box 557, Dayton, IN 47941.

MINING AND MINERAL EXPLORATION TABLE AND SUMMARY

Mining/Mineral Exploration			
Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Petroleum Wells	N/A	Mineral Resources	N/A
Mines – Surface	N/A	Mines – Underground	N/A

Explanation: No resources are located within the 0.5-mile search radius.

HAZARDOUS MATERIAL CONCERNS TABLE AND SUMMARY

Hazardous Material Concerns			
Indicate the number of items of concern found within the 0.5-mile search radius. If there are no items, please indicate N/A:			
Superfund	N/A	Manufactured Gas Plant Sites	N/A
RCRA Generator/ TSD	N/A	Open Dump Waste Sites	N/A
RCRA Corrective Action Sites	N/A	Restricted Waste Sites	N/A
State Cleanup Sites	N/A	Waste Transfer Stations	N/A
Septage Waste Sites	N/A	Tire Waste Sites	N/A
Underground Storage Tank (UST) Sites	6	Confined Feeding Operations (CFO)	3
Voluntary Remediation Program	N/A	Brownfields	1
Construction Demolition Waste	1	Institutional Controls	3
Solid Waste Landfill	N/A	NPDES Facilities	2
Infectious/Medical Waste Sites	N/A	NPDES Pipe Locations	1
Leaking Underground Storage (LUST) Sites	3	Notice of Contamination Sites	N/A

Explanation:

Underground Storage Tank (UST) – Six (6) UST sites are within the 0.5-mile search radius. Four (4) are adjacent to the project area.

- Two (2) UST entries are recorded under Crop Production Services at 9491 West State Road 38 with the Agency ID No. 14823. According to the Indiana Department of Environmental Management (IDEM) Virtual File Cabinet (VFC), one (1) 4,000-gallon gasoline UST was reported to have been removed from the site prior to 1989. There is no closure documentation available and excavation associated with culvert replacement activities for CV 038-012-10.20 are occurring adjacent to the site; therefore, proper handling, removal, and disposal of soil and/or groundwater may be necessary.
- RMD Marketing #184, at 202 East Jackson Street, Agency ID No. 3148, FID No. 11520. The site is located adjacent to the project area at the intersection of SR 38 and Main Street, which is where excavation associated with ADA curb ramp work is occurring. IDEM issued a No Further Action Determination Pursuant to Risk Integrated System of Closure (RISC) letter, dated September 8, 2007, following the recording of an Environmental Restrictive Covenant (ERC) on the deed of the property. Residual absorbed and dissolved contaminants of concern (CoC) remain adjacent to and likely extend into the project area. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater may be necessary. In regard to the ERC, coordination with the IDEM Project Manager will occur.

Leaking Underground Storage Tank (LUST) – Three (3) LUST sites are located within the 0.5-mile search radius. The nearest site, RMD Marketing, Agency ID No. 3148, FID No. 11520, is located on the northeast corner of SR 38 and Main Street at 202 East Jackson Street, which is adjacent to the ADA curb ramp work. IDEM issued a No Further Action Determination Pursuant to RISC letter, dated September 8, 2007, following the recording of an ERC on the deed of the property. Residual absorbed and dissolved CoCs remain adjacent to and likely extend into the project area. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater may be necessary. In regard to the ERC, coordination with the IDEM Project Manager will occur.

Construction Demolition Waste – One (1) construction demolition waste site, Dayton Solid Fill, is located within the 0.5-mile search radius, approximately 0.10 mile north of the project area. According to the IDEM VFC, IDEM conducted a GPS tracking activity at the proposed site on July 8, 2008. IDEM presented the findings in a letter on file dated July 9, 2008, which stated the facility was never built and does not exist. No impact is expected.

Confined Feeding Operations (CFO) – Three (3) confined feeding operations are located within the 0.5-mile search radius. The nearest facility, Hidden Ridge Farm Incorporated, is approximately 0.20 mile east of the intersection of SR 38 and US 421. No impact is expected.

Brownfields – One (1) active temporary brownfield is located adjacent to the project area at 107 West Jackson Street in Mulberry, approximately 0.02 mile west of the ADA curb ramp work occurring at SR 38 and Glick Street. According to the IDEM VFC, a Phase I Environmental Site Assessment Report is on file for Horn's Auto Repair, 107 West Jackson Street, Agency ID No. 106110, dated April 22, 2013. The site reportedly operated as a gasoline service station that closed in the mid-1960s. Closure documentation or sampling was not completed. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

Institutional Controls – Three (3) institutional controls are associated with the RMD Marketing #184 located at 202 East Jackson Street, Mulberry within the project area and adjacent to the proposed ADA curb ramp work. An ERC was recorded on the deed of the property on December 26, 2007 and restricts groundwater usage and excavation of soil below six (6) feet below the ground surface (ft-bgs). Coordination with the IDEM Project Manager will occur.

NPDES Facilities – Two (2) privately-owned, active external outfalls are located within the 0.5-mile search radius. The nearest facility is located approximately 0.28 mile south of the project area in Mulberry. No impact is expected.

NPDES Pipe Locations – One (1) active external outfall is located within the 0.5-mile search radius. The Mulberry Waste Water Treatment Plant (WWTP), has a Storm Sewer Overflow (SSO) manhole approximately 0.32 mile south of the project area in the town of Mulberry. No impact is expected.

ECOLOGICAL INFORMATION SUMMARY

The Tippecanoe and Clinton County listings of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high-quality natural communities are attached with ETR species highlighted. A preliminary review of the Indiana Natural Heritage Database by Indiana Department of Transportation (INDOT) Environmental Services (ES) on February 14, 2019 did indicate the presence of ETR species within the 0.5-mile search radius. Coordination with U.S. Fish and Wildlife Service (USFWS) and Indiana Department of Natural Resources (IDNR) will occur.

A review of the USFWS confidential bat database by INDOT ES on February 14, 2019 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The project area is located in a rural area surrounded by trees, farm fields, streams, and residences. The April 17, 2015 reports for five (5) culverts listed below in Table 3, contain no information about whether bats are present or absent in the culverts. Additional investigation to confirm the presence or absence of bats in the culverts will be necessary. The range-wide programmatic consultation for the Indiana bat and northern long-eared bat will need to be completed according to the most recent "Using the USFWS Information for Planning and Consultation (IPaC) System for Listed Bat Consultation for INDOT projects".

Table 3: Bat Inspection

Structure	Date of Inspection	Presence of Bats Y=Yes, N=No, F=Further investigation needed
514, CV 038-079-07.58	Unknown	F
561, CV 038-079-08.88	4/17/2015	F
634, CV 038-012-10.20	4/17/2015	F
864, CV 038-012-14.60	4/17/2015	F
873, CV 038-012-14.77	4/17/2015	F

An inquiry using the USFWS IPaC website did not indicate the presence of the federally endangered species, the rusty patched bumble bee, in or within 0.5 mile of the project area. No impact is expected.

RECOMMENDATIONS SECTION

INFRASTRUCTURE:

- Religious Facilities – Gloria Dei Lutheran Church, located at 610 West Jackson Street, 0.19 mile west of the intersection of SR 38 and West Street, within the Town of Mulberry and the Trinity Church of Mulberry , 103 South Main Street, within the Town of Mulberry. Coordination with the religious facilities will occur.
- Airports (Private) - One (1) private airport, Miller Field, is approximately 0.44 -mile south of the project area. Coordination with Miller Field will occur.
- Cemeteries – The Dayton Cemetery, also known as Fairfield Cemetery, is adjacent to the project area. Coordination with INDOT Cultural Resources will occur.
- Hospitals – One (1) clinic, called Mulberry Health, is located 0.03 mile west of South Willard Street within the Town of Mulberry. Coordination with the clinic will occur.
- Schools – The Dayton Elementary School, is approximately 0.39 mile north of SR 38 within the town of Dayton. The school is a transportation hub for two (2) additional schools within the Tippecanoe School Corporation. Coordination with the Tippecanoe School Corporation will occur.
- Recreational Areas – The Dayton Access site, is approximately 0.14 mile north of the project area on South 800 East. Coordination with the Indiana Department of Natural Resources (IDNR) and the Tippecanoe County Parks and Recreation Department will occur.
- Pipelines – Four (4) pipeline segments cross the project area. Coordination with INDOT Utilities and Railroads should occur for the following pipelines:
 - Texas Eastern Transmission Corporation, approximately 0.94 mile east of the Town of Dayton.
 - Amoco Oil Company, approximately 4.62 miles east of the Town of Dayton; and
 - Gulf Central Pipeline Company, approximately 8.95 miles east of the Town of Dayton.

WATER RESOURCES: The presence of the following water resources will require the preparation of a Waters of the US Report and coordination with INDOT ES Ecology and Waterway Permitting.

- Wetlands – The nearest wetland is located adjacent to the project area approximately 0.65 mile east of the Town of Dayton.
- Floodplain – The project area is located within a floodplain.
- Rivers and Streams –Three (3) water features, the South Fork of the Wildcat Creek, Kilmore Creek and Hog Run Creek, are within the project area. Five (5) intermittent stream segments are located within the project area at various locations approximately: 4.66, 6.86, 9.03, 9.22, 10.57 miles east of the Town of Dayton. Four (4) artificial paths are within and adjacent to the project area.

IDEM 303d Listed Streams and Lakes (Impaired) – Seven (7) IDEM 303d impaired streams cross the project area and are associated with:

- South Fork of Wildcat Creek, approximately 0.63 mile east of the Town of Dayton. The creek is listed as impaired for E. coli, Dissolved Oxygen (DO) and PCBs in fish tissue.
- Unnamed tributary (UNT) to South Fork of the Wildcat Creek, approximately 3.54 mile east of the Town of Dayton. The UNT is listed as impaired for Impaired Biotic Communities (IBC).
- Middle Fork of the Wildcat Creek, approximately 1.01 miles west of North Main Street in the Town of Mulberry. The creek is listed as impaired for E. coli.
- Kilmore Creek and Hog Run are listed as impaired for E. coli at various approximate locations: 0.28, 1.67, 1.81, 2.35 and 6.17 miles west of US 421.

Workers who are working in or near water with E. coli should take care to wear appropriate personal protective equipment (PPE), observe proper hygiene procedures, including regular hand washing, and limit personal exposure. Concerning Impaired Biotic Communities (IBC) and Dissolved Oxygen (DO), Best Management Practices (BMPs) will be used to avoid further degradation to the stream. Concerning PCBs in fish tissue, exposure to PCBs in fish tissue is considered low, assuming workers are not eating biota surrounding or associated with the water body. If there will be sediment and/or soils disturbed by construction, additional investigation may be necessary. Coordination with INDOT SAM will occur prior to any site activities.

URBANIZED AREA BOUNDARY: The west section of the project lies within the Dayton UAB. Post construction Storm Water Quality BMPs may need to be considered. An early coordination letter with topographic and aerial maps showing the project area should be sent to the MS4 Coordinator at P. O. Box 557 Dayton, IN 47941.

MINING/MINERAL EXPLORATION: N/A

HAZARDOUS MATERIAL CONCERNS:

UST:

- Crop Production Services, 9491 West State Road 38, Agency ID No. 14823, is adjacent to the project area. There is no closure documentation available, and excavation associated with culvert replacement activities for CV 038-012-10.20 are occurring adjacent to the site; therefore, proper handling, removal, and disposal of soil and/or groundwater may be necessary. Coordination with the IDEM Project Manager will occur.

UST/LUST:

- RMD Marketing, 202 East Jackson Street , Agency ID No. 3148, is adjacent to the ADA curb ramp work within the Town of Mulberry. IDEM issued a No Further Action Determination Pursuant to RISC letter, dated September 8, 2007, following the recording of an ERC on the deed of the property. Residual absorbed and dissolved CoCs remain adjacent to and likely extend into the project area. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater may be necessary. In regard to the ERC, coordination with the IDEM Project Manager will occur.

Brownfield:

- Horn's Auto Repair, 107 West Jackson Street, Agency ID No. 106110, is located adjacent to the project area within The Town of Mulberry and adjacent to the ADA curb ramp work. Closure documentation or sampling was not completed. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

Institutional Controls:

- Three (3) institutional controls are associated with the RMD Marketing #184 located at 202 East Jackson Street, Mulberry within the project area and adjacent to the proposed ADA curb ramp work. An ERC restricts groundwater usage and excavation of soil below six (6) feet below the ground surface (ft-bgs). Coordination with the IDEM Project Manager will occur.

ECOLOGICAL INFORMATION: Coordination with USFWS and IDNR will occur. Additional investigation to confirm the presence or absence of bats in the culverts will be needed. The Range-Wide Programmatic Consultation for the Indiana bat and the northern long-eared bat will be completed according to the most recent "Using the USFWS's IPaC System for Listed Bat Consultation for INDOT Projects".

Nicole Fohey-
Breting

Digitally signed by
Nicole Fohey-Breting
Date: 2020.04.21
17:51:27 -04'00'

INDOT Environmental Services concurrence:

(Signature)

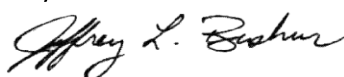
Prepared by:

Tamra L. Reece



Environmental Specialist
Hanson Professional Services Inc.

Jeffrey L. Bushur



Environmental Specialist
Hanson Professional Services Inc.

Graphics:

A map for each report section with a 0.5-mile search radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

SITE LOCATION: YES

INFRASTRUCTURE: YES

WATER RESOURCES: YES

URBANIZED AREA BOUNDARY: YES

MINING/MINERAL EXPLORATION: N/A

HAZARDOUS MATERIAL CONCERNS: YES