

Appendix C: Early Coordination

June 9, 2017

Christie Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
402 West Washington St. Room W273
Indianapolis, IN 46204

Sample Early Coordination Letter -
Initial Letter to Recipients

Re: Des. No. 1600517
Two Way Left Turn Lane
U.S. 20 - SR 15 to CR 35
Elkhart County, Indiana

Dear Ms. Stanifer:

The Indiana Department of Transportation (INDOT) proposes the addition of a two-way left turn lane and potentially the addition of travel lanes along United States Highway 20 (US 20) between State Road 15 (SR 15) and County Road (CR 35) in Elkhart County, Indiana. We are requesting comments from you within your area of expertise regarding any potential environmental or community 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 effects.

The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle Topographic Map and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle Topographic Maps.

Need and Purpose: the need for this project is due to a high crash frequency of cars attempting to turn left along U.S. 20. The purpose of this project is to alleviate traffic congestion and crash frequency thereby improving the overall safety of the roadway.

Existing Conditions: U.S. 20 is currently a two-lane undivided highway between SR 15 and CR 35, functionally classified as a Rural Minor Arterial. Within the project area, U.S. 20 comprises two travel lanes (each approximately 12-feet wide) and two paved shoulders (each approximately 6-feet wide). The existing roadway does not have any left turn lanes within the project area.

There are no existing railroads within the project area. The surrounding land uses are primarily agricultural and residential.

Proposed Project: The proposed project will widen a portion of U.S. 20 to accommodate the addition of a Two-Way Left Turn Lane between SR 15 and CR 35. If traffic volumes warrant additional travel lanes to increase capacity, one additional lane in each direction will also be included. The proposed project will include widening of the pavement and embankment, installation new pavement markings, and will require new right-of-way acquisition.

Right-of-Way (ROW): INDOT does anticipate the need to acquire right-of-way to complete this project.

Maintenance of Traffic (MOT): Traffic along U.S. 20 may be maintained throughout construction via lane closures.

Surrounding Resources: INDOT's Red Flag Investigation (RFI) indicated that several resources lie within a half-mile radius of the project area. These include religious facilities, a recreational facility, an airport, pipelines, a trail, managed lands, National Wetland Inventory (NWI) wetlands, lakes, rivers and streams, 303d list impaired rivers and streams. Additionally, several properties within the half-mile radius are recorded in the following program databases: Leaking Underground Storage Program, NPDES Program, and an Institutional Control Site.

During the site visit conducted by HNTB Corporation on October 20-21, 2016, suitable summer habitat was observed within the project area. No evidence that bats were roosting within the project area was observed. No bats were observed in structures within the project area. A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5-mile of the project area. Preparation of the Scoping Worksheet for the Range-Wide Programmatic Information Consultation for Indiana Bat and Northern Long-Eared Bat (NLEB) will be required. If applicable, preparation of the Project Submittal Form for Range-Wide Programmatic Consultation for Indiana Bat and NLEB will be required. Lastly, an inquiry using the USFWS Information for Planning and Consultation (IPaC) website did not indicate the presence of the federally endangered species, the Rusty Patched Bumblebee, in or within 0.5-mile of the project area.

A waters/wetland determination will be performed and possible wetlands delineated. A Waters Report will summarize the findings. Designers and selected contractors will obtain all applicable permits before construction can begin.

Comments Request: You are asked to review this information and provide any comments you may have relative to the anticipated impacts of the project on areas which you have jurisdiction or special expertise. To facilitate the development of this project, you are asked to respond within 30 days of receiving this letter. If no response is received after the 30 day period ends, it will be assumed that you do not have any comments regarding the proposed project. Your timely cooperation in the development of this project will be appreciated. If you have any questions regarding this matter, please feel free to contact Christine Meador, of HNTB Corporation, at cmeador@hntb.com or 317-917-5338. Thank you in advance for your input.

Sincerely,

HNTB CORPORATION



Christine Meador
Section Leader
Environmental Planning

Attachments were removed to avoid duplication. They can be found in Appendix B of the CE document.

Attachments: Figure 1: Project Location Map
Figure 2: Project Area Aerial
Figure 3: USGS 7.5 Minute Topographic Quad Map
Project Location Photographs

Cc: Phillip Barker, Elkhart County Surveyor
Brad Rogers, Elkhart County Sheriff
Jeff Taylor, Elkhart County Highway Department
Elkhart County Commissioners
Jane Allen, Middlebury Community Schools
Jennifer Tobey, Elkhart County Emergency Management
Jane Hardisty, NRCS- State Conservationist
Indiana Department of Transportation, Manager of Public Hearings
US Army Corps of Engineers, Detroit District
Cam Sholly, National Parks Service-Acting Midwest Regional Director
Mary Estrada, Indiana Department of Natural Resources Division of Oil and Gas
Indiana Geological Survey
Indiana Department of Transportation, Office of Aviation
Christie Stanifer, Indiana Department of Natural Resources
Joyce Newland, Federal Highway Administration
Ninth Coast Guard District
Elizabeth McCloskey, US Fish and Wildlife Service
Damian Perry, INDOT Project Manager
Joshua Cook, HNTB Corporation

February 1, 2018

Blair Carlstrom
Lead Pastor
Waypoint Community Church
PO Box 51
Middlebury, IN 46540

Sample Early Coordination
Letter - Stakeholder Working
Group Recipients

Re: Des. No. 1600517
Two Way Left Turn Lane
U.S. 20 - SR 15 to CR 35
Elkhart County, Indiana

Dear Mr. Carlstrom:

The Indiana Department of Transportation (INDOT) proposes the addition of a two-way left turn lane and potentially the addition of travel lanes along United States Highway 20 (US 20) between State Road 15 (SR 15) and County Road (CR 35) in Elkhart County, Indiana. We are requesting comments from you within your area of expertise regarding any potential environmental or community 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 effects.

The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle Topographic Map and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle Topographic Maps.

Need and Purpose: the need for this project is due to a high crash frequency of cars attempting to turn left along U.S. 20. The purpose of this project is to alleviate traffic congestion and crash frequency thereby improving the overall safety of the roadway.

Existing Conditions: U.S. 20 is currently a two-lane undivided highway between SR 15 and CR 35, functionally classified as a Rural Minor Arterial. Within the project area, U.S. 20 comprises two travel lanes (each approximately 12-feet wide) and two paved shoulders (each approximately 6-feet wide). The existing roadway does not have any left turn lanes within the project area.

There are no existing railroads within the project area. The surrounding land uses are primarily agricultural and residential.

Proposed Project: The proposed project will widen a portion of U.S. 20 to accommodate the addition of a Two-Way Left Turn Lane between SR 15 and CR 35. If traffic volumes warrant additional travel lanes to increase capacity, one additional lane in each direction will also be included. The proposed project will include widening of the pavement and embankment, installation new pavement markings, and will require new right-of-way acquisition.

Right-of-Way (ROW): INDOT anticipates the need to acquire right-of-way to complete this project.

Maintenance of Traffic (MOT): Traffic along U.S. 20 may be maintained throughout construction via lane closures.

Surrounding Resources: INDOT's Red Flag Investigation (RFI) indicated that several resources lie within a half-mile radius of the project area. These include religious facilities, a recreational facility, an airport, pipelines, a trail, managed lands, National Wetland Inventory (NWI) wetlands, lakes, rivers and streams, 303d list impaired rivers and streams. Additionally, several properties within the half-mile radius are recorded in the following program databases: Leaking Underground Storage Program, NPDES Program, and an Institutional Control Site.

During the site visit conducted by HNTB Corporation on October 20-21, 2016, suitable summer habitat was observed within the project area. No evidence that bats were roosting within the project area was observed. No bats were observed in structures within the project area. A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5-mile of the project area. Preparation of the Scoping Worksheet for the Range-Wide Programmatic Information Consultation for Indiana Bat and Northern Long-Eared Bat (NLEB) will be required. If applicable, preparation of the Project Submittal Form for Range-Wide Programmatic Consultation for Indiana Bat and NLEB will be required. Lastly, an inquiry using the USFWS Information for Planning and Consultation (IPaC) website did not indicate the presence of the federally endangered species, the Rusty Patched Bumblebee, in or within 0.5-mile of the project area.

A waters/wetland determination will be performed and possible wetlands delineated. A Waters Report will summarize the findings. Designers and selected contractors will obtain all applicable permits before construction can begin.

Comments Request: You are asked to review this information and provide any comments you may have relative to the anticipated impacts of the project on areas which you have jurisdiction or special expertise. To facilitate the development of this project, you are asked to respond within 30 days of receiving this letter. If no response is received after the 30-day period ends, it will be assumed that you do not have any comments regarding the proposed project. Your timely cooperation in the development of this project will be appreciated. If you have any questions regarding this matter, please feel free to contact Christine Meador, of HNTB Corporation, at cmeador@hntb.com or 317-917-5338 or Damien Perry of INDOT, at dperry@indot.in.gov or 260-969-8266. Thank you in advance for your input.

Sincerely,

HNTB CORPORATION



Christine Meador
Section Leader
Environmental Planning

Attachments: Figure 1: Project Location Map
Figure 2: Project Area Aerial
Figure 3: USGS 7.5 Minute Topographic Quad Map
Project Location Photographs

Attachments were removed to avoid duplication. They can be found in Appendix B of the CE document.

Cc: Phillip Barker, Elkhart County Surveyor
Brad Rogers, Elkhart County Sheriff
Jeff Taylor, Elkhart County Highway Department
Elkhart County Commissioners
Jane Allen, Middlebury Community Schools
Jennifer Tobey, Elkhart County Emergency Management
Jane Hardisty, NRCS- State Conservationist
Indiana Department of Transportation, Manager of Public Hearings
US Army Corps of Engineers, Detroit District
Cam Sholly, National Parks Service-Acting Midwest Regional Director
Mary Estrada, Indiana Department of Natural Resources Division of Oil and Gas
Indiana Geological Survey
Indiana Department of Transportation, Office of Aviation
Christie Stanifer, Indiana Department of Natural Resources
Joyce Newland, Federal Highway Administration
Ninth Coast Guard District
Elizabeth McCloskey, US Fish and Wildlife Service
Greater Elkhart Stormwater Partnership
Elkhart County Soil and Water Conservation District
Indiana Department of Environmental Management
USEPA Region 5 Groundwater and Drinking Water Branch
Michiana Area Council of Governments (MACOG) MPO
Amanda Kautz, USDA NRCS
Mary Cripe, Middlebury Town Manager
Andrew Wood, Northridge High School Principal
Dale Brier, DNR Outdoor Recreation and Trails Section Chief
Blair Carlstrom, Waypoint Community Church Lead Pastor
Middlebury Town Council Members
Karen Novak, INDOT Fort Wayne District
Damien Perry, INDOT Project Manager
Jennifer Goins, HNTB Corporation

March 6, 2018

Christie Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
402 West Washington St. Room W273
Indianapolis, IN 46204

Sample Early Coordination Letter
- Update to Initial Letter on June
9, 2017.

Re: Des. No. 1600517 Update (ER-19872)
U.S. 20 - SR 15 to CR 35
Elkhart County, Indiana

Dear Ms. Stanifer:

The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with a roadway project to add two travel lanes and a two-way-left-turn lane to U.S. 20 in Elkhart County, Indiana. This letter serves as an **update regarding the proposed project** and a continuation of the early coordination phase of the environmental review process. Since the initial Early Coordination Letter was distributed and since your response dated July 12, 2017, the project team has determined that a five-lane section through the project area is warranted. We request comments from you within your area of expertise regarding any potential environmental or community effects associated with this proposed 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 effects.

Project Location: The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle.

Existing Conditions: U.S. 20 between SR 15 and CR 35 is currently a two-lane undivided highway, functionally classified as a Rural Minor Arterial. Within the project area, U.S. 20 comprises two travel lanes (each approximately 12-feet wide) and two paved shoulders (each approximately 6-feet wide), with no left turn lanes. Six culverts lie within the project area, none of which are eligible for inclusion on the National Register of Historic Places. There are no existing railroads or sidewalks within the project area.

Purpose and Need: The purpose of the project includes improving safety, reducing congestion, and correcting geometric deficiencies through the corridor. The needs for this project are safety concerns based on the high crash frequency through this section, current and projected traffic volume and causing unacceptable traffic delays, and existing geometric deficiencies of roadway.

Proposed Project: The updated proposed project will widen U.S. 20 between SR 15 and CR 35 to accommodate the addition of one travel lane in each direction and one Two-Way Left Turn Lane. The resulting typical section would be a five-lane section with paved shoulders.

Right-of-Way (ROW): The project is likely to require the acquisition of approximately 48 acres of permanent right-of-way.

Maintenance of Traffic (MOT): Traffic along U.S. 20 will be maintained throughout construction via lane closures. The construction phase of this project is anticipated to span two construction seasons.

Surrounding Resources: The surrounding land uses are primarily agricultural and residential with interspersed wood lots.

INDOT's Red Flag Investigation (RFI) indicated that several resources lie within a half-mile radius of the project area. These include religious facilities, a recreational facility, an airport, pipelines, a snow mobile trail, managed lands, National Wetland Inventory (NWI) wetlands, lakes, rivers and streams, and a 303d list impaired stream. Additionally, several properties within the half-mile radius are recorded in the following program databases: Leaking Underground Storage Program, NPDES Program, and an Institutional Control Site.

During the site visits conducted by HNTB Corporation on October 20-21, 2016 and October 17, 2017, suitable summer bat habitat was observed within the project area. No evidence that bats were roosting within the project area was observed. No bats were observed in structures. A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5-mile of the project area. The project will follow the Range-Wide Programmatic Consultation for Indiana Bat and Northern Long Eared Bat. Lastly, the USFWS Information for Planning and Consultation (IPaC) website did not indicate the presence of the federally endangered Rusty Patched Bumblebee, in or within 0.5-mile of the project area.

The site is located within Greater Elkhart Stormwater Partnership MS4 permitted entity and crosses an Elkhart County Drain.

Wetlands and streams have been delineated throughout the project with findings summarized in the approved Waters Report. The U.S. Army Corps of Engineers completed a Jurisdictional Determination for this project on January 25, 2018. Designers and selected contractors will obtain all applicable permits prior to construction.

Comments Request You are asked to review this information and provide any comments you may have relative to the anticipated impacts of the project on areas which you have jurisdiction or special expertise. To facilitate the development of this project, you are asked to respond within 30 days of receiving this letter. If no response is received after the 30-day period ends, it will be assumed that you do not have any comments regarding the proposed project. Your timely cooperation in the development of this project will be appreciated. If you have any questions regarding this matter, please feel free to contact Christine Meador, of HNTB Corporation, at cmeador@hntb.com or 317-917-5338 or Damien Perry of INDOT, at dperry@indot.in.gov or 260-969-8266. Thank you in advance for your input.

Sincerely,

HNTB CORPORATION



Christine Meador
Assistant Department Manger - Environmental Planning

Sent via email March 6, 2018; no hard copy to follow.

Attachments were removed to avoid duplication. They can be found in Appendix B of the CE document.

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James Turnwald, Michiana Area Council of Governments (MACOG)
Andrew Wood, Northridge High School
Middlebury Town Council Members
Mary Cripe, Middlebury Town Manager
Blair Carlstrom, Waypoint Community Church
Wat Lao Dharmajaro Buddhist Temple
David Yoder, Amish Steering Committee
John Heiliger, Greater Elkhart Stormwater Partnership
Jim Hess, Elkhart County Soil and Water Conservation District
Hatfield Airport
Doug Stuckey, Elkhart County Snowmobile Club
Indiana Department of Transportation, Manager of Public Hearings
Mary Estrada, Indiana Department of Natural Resources Division of Oil and Gas
Indiana Geological Survey
Indiana Department of Transportation, Office of Aviation
Christie Stanifer, Indiana Department of Natural Resources
Indiana Department of Environmental Management
Dale Brier, IDNR Outdoor Recreation Streams and Trails
Toni Langevin, Indiana Department of Transportation
Jane Hardisty, NRCS- State Conservationist
US Army Corps of Engineers, Detroit District, Environmental Analysis
Dominique Blockett, US Army Corps of Engineers, Technical Services Regulatory
Cam Sholly, National Parks Service-Acting Midwest Regional Director
Joyce Newland, Federal Highway Administration
Elizabeth McCloskey, US Fish and Wildlife Service
Ninth Coast Guard District
William Spaulding, USEPA Region 5 Groundwater and Drinking Water Branch
Damien Perry, INDOT Project Manager
Mark Young, HNTB Corporation

Richard Connolly

From: Elizabeth Ewing
Sent: Thursday, January 18, 2018 8:38 AM
To: Richard Connolly
Subject: FW: Early Coordination Des. No. 1600517

Elizabeth Ewing
Environmental Planning
Email ewing@hntb.com

From: Estrada, Mary [mailto:mestrada@dnr.IN.gov]
Sent: Wednesday, June 14, 2017 2:16 PM
To: Elizabeth Ewing <ewing@HNTB.com>
Subject: RE: Early Coordination Des. No. 1600517

We do not have any records of any oil or gas wells drilled in this area. I do see some groundwater withdraw wells owned by Elkhart County Gravel Inc. which are located at the east end of US 20 before it turns to the southeast but we wouldn't have anything to do with those. They may belong to Elkhart County.

Good luck with your project!

Mary Estrada, Asst. Dir.
DNR, Div. of Oil and Gas
402 W. Washington ST. W293
Indianapolis, In 46204
(317) 233-0933

From: Elizabeth Ewing [mailto:ewing@HNTB.com]
Sent: Monday, June 12, 2017 3:38 PM
To: Estrada, Mary
Cc: Christine Meador; Joshua Cook; Richard Connolly; Perry, Damien N (INDOT)
Subject: RE: Early Coordination Des. No. 1600517

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

Ms. Estrada,

Please excuse the error, the route this project is on is US 20 located in Elkhart County, not US 150.

Thanks,

Elizabeth Ewing
Scientist II
Direct (317) 917-5336

Laura Barnhart

From: Estrada, Mary <mestrada@dnr.IN.gov>
Sent: Tuesday, February 13, 2018 3:14 PM
To: Laura Barnhart
Subject: RE: Follow Up Coordination - Des 16000517 - US 20 from SR 15 to CR 35

Laura, I just checked the maps for oil and gas related wells and do not see any such wells. I can't find my old response so I don't remember what I said back then. My maps don't show water wells unless they were drilled just to hold produced water temporarily until plugged.

I also can't find my original response.

I hope this clears up any confusion.

Mary Estrada
DNR, Div. of Oil and Gas
317-233-0933

From: Laura Barnhart [mailto:lbarnhart@HNTB.com]
Sent: Wednesday, February 07, 2018 6:33 PM
To: Estrada, Mary
Subject: Follow Up Coordination - Des 16000517 - US 20 from SR 15 to CR 35

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

Hello Ms. Estrada,

Thank you for your ECL response on June 14, 2017 for this project on US 20 (attached). You originally responded to my colleague, Elizabeth Ewing.

I am following up on your comment regarding potential water withdraw wells. While I know you do not oversee those kinds of wells, I just want to make sure I am not missing anything.

In viewing [DNR's Water Well Viewer](#) for the area, I see a cluster of Significant Water Withdraw Facility wells located just east of US 20 and County Road 16 (circled in red). Do you think we have identified the same wells? Or are you seeing something else in addition?

Thanks!
-Laura

THIS IS NOT A PERMIT

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

DNR #: ER-19872

Request Received: June 12, 2017

Requestor: HNTB Corporation
Elizabeth Ewing
111 Monument Circle, Suite 1200
Indianapolis, IN 46204-5178

Project: US 20 addition of a two-way left turn lane and possible travel lane between SR 15 and CR 35; Des # 1600517

County/Site info: Elkhart

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 the Indian Creek floodway pursuant to the Flood Control Act (IC 14-28-1), unless it 1) qualifies for a bridge exemption (see enclosure) or 2) 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 one is required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The state endangered Blanding's Turtle (*Emydoidea blandingii*) has been documented within 1/2 mile southeast of the easternmost boundary of the project area.

Fish & Wildlife Comments: 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) Blanding's Turtle:

To minimize impacts to this species during the nesting period, we recommend that construction not take place from April 1 through July 1. This turtle is known to move quite far from their normal aquatic habitat in search of nesting grounds, which could become more difficult to arrive at if construction takes place during that time.

2) Roadside Ditches:

Due to the expansion of the road, it is likely the new roadside ditches will need to be relocated to allow for drainage along the sides of the roads. The newly constructed ditches should be constructed at a stable slope of at least 2:1, preferably 3:1. The sideslopes should be seeded with a native seed mixture that includes wildflowers to provide important pollinator habitat along the sides of the roads.

It is also assumed that due to this shift, some culverts may need to be replaced or resized as well. 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 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

Attachments: A - Bridge Exemption Criteria

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

within or under the crossing structure. Crossings should: span the entire channel width (a minimum of 1.2 times the bankful 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 and water velocities during low-flow conditions that are approximate to those in the natural stream channel. 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.

3) Wetland Habitat:

Due to the presence or potential presence of wetlands 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.

4) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/iac/20140806-IR-312140295NRA.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).

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 with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
3. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
4. 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.
5. Seed and protect disturbed stream banks that are 3:1 or steeper with heavy-duty net-free biodegradable erosion control blankets to minimize the entrapment and snaring of small wildlife such as snakes and turtles (follow manufacturer's recommendation for installation); seed and apply mulch on all other disturbed areas.

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: July 12, 2017

THIS IS NOT A PERMIT

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

DNR #: ER-19872-1

Request Received: March 6, 2018

Requestor: HNTB Corporation
Christine Meador
111 Monument Circle, Suite 1200
Indianapolis, IN 46204-5178

Project: US 20 addition of a two-way left turn lane and a travel lane in each direction between SR 15 and CR 35; Des #1600517

County/Site info: Elkhart

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 the Indian Creek floodway pursuant to the Flood Control Act (IC 14-28-1), unless it 1) qualifies for a bridge exemption (see enclosure) or 2) 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 one is required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The state endangered Blanding's Turtle (*Emydoidea blandingii*) has been documented within 1/2 mile southeast of the easternmost boundary of the project area.

Fish & Wildlife Comments: All of the recommendations in our previous letter dated July 12, 2017, still apply.

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.



Date: April 4, 2018

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

Attachments: A - Bridge Exemption Criteria

Laura Barnhart

From: Brier, Dale <dbrier@dnr.IN.gov>
Sent: Tuesday, February 13, 2018 2:03 PM
To: Laura Barnhart
Cc: Marisavljevic, Amy
Subject: RE: Early Coordination - Des 1600517 - US 20 between State Road 15 and County Road 35

Laura,

Sorry for taking so long to reply. I'd be happy to answer any questions you have about the snowmobile trail and US 20. My initial look at the snowmobile trail in that area leads me to believe that any expansion won't be a problem for us.

Dale Brier
Streams and Trails Section Chief
Division of Outdoor Recreation
Department of Natural Resources
402 W. Washington St. W271
Indianapolis IN, 46204
317-232-4072
www.IN.gov/dnr/outdoor



From: Laura Barnhart [mailto:lbarnhart@HNTB.com]
Sent: Thursday, February 01, 2018 1:39 PM
To: Brier, Dale <dbrier@dnr.IN.gov>
Cc: Marisavljevic, Amy <AMarisavljevic@dnr.IN.gov>
Subject: Early Coordination - Des 1600517 - US 20 between State Road 15 and County Road 35

Mr. Brier,

Please find the attached Early Coordination Letter and supporting graphics for the proposed US 20 roadway project between State Road 15 and County Road 35.

Including you all as part of agency coordination in light of the Miami Snowmobile trail. I spoke with Doug Stuckey from the Elkhart County Snowmobile Club, who suggested that I include Ms. Marisavljevic also.

While I look forward to any formal comments DNR Outdoor Recreation may have on the project, would either be available to field a few of my initial questions? Let me know if you have some availability for a quick call.

Thank you,

Laura Barnhart
Scientist III
Planning Services - Environmental
Tel (317) 917-5219 Email lbarnhart@hntb.com

Laura Barnhart

From: Marisavljevic, Amy <AMarisavljevic@dnr.IN.gov>
Sent: Wednesday, March 14, 2018 9:21 AM
To: Laura Barnhart
Subject: RE: Early Coordination Update - US 20 between SR 15 and CR 35 - Des 1600517

Laura,

Thanks for all the information. Dale Brier passed along this information to me since I am Indiana Snowmobile Trail Program Coordinator. I have discussed this with Elkhart County Snowmobile Club, the local club that manages the Miami Snowmobile Trail. They have communicated to me that they do not see this having an effect on the trail, with the exception of if the construction would be taking place between December-March (snowmobile season) at all and it taking snowmobiler a bit extra time/caution to cross this road once it gets expanded. My only concern would be to ensure that INDOT adds the snowmobile crossing signs once the construction is completed so that vehicles are still aware of the trail crossing. If you have any questions or concerns, please feel free to contact me.

Thanks,

Amy Marisavljevic

Streams and Trails Specialist

Indiana Department of Natural Resources

Division of Outdoor Recreation

402 W. Washington St. W271

Indianapolis, IN 46204

317-232-4067

amarisavljevic@dnr.IN.gov

www.IN.gov/dnr/outdoor



Like us on Facebook!

From: Brier, Dale
Sent: Wednesday, March 14, 2018 8:26 AM
To: Marisavljevic, Amy <AMarisavljevic@dnr.IN.gov>
Subject: RE: Early Coordination Update - US 20 between SR 15 and CR 35 - Des 1600517

From: Laura Barnhart [<mailto:lbarnhart@HNTB.com>]
Sent: Tuesday, March 06, 2018 12:24 PM
To: Brier, Dale <dbrier@dnr.IN.gov>
Cc: Marisavljevic, Amy <AMarisavljevic@dnr.IN.gov>
Subject: RE: Early Coordination Update - US 20 between SR 15 and CR 35 - Des 1600517

Richard Connolly

From: Wright, Mary <MWRIGHT@indot.IN.gov>
Sent: Thursday, June 15, 2017 11:35 AM
To: Christine Meador
Subject: RE: 1600517 US 20 - SR 15 to CR 35 Early Coordination

Early Coordination and Creating a Public Involvement Plan (PIP)

We have received your early coordination notification packet for the above referenced project(s). Our office prefers to be notified at the early coordination stage in order to encourage early and on going public involvement aside from the specific legal requirements as outlined in our Public Involvement Manual <http://www.in.gov/indot/2366.htm> .

Seeking the public's understanding of transportation improvement projects early in the project development stage can allow the opportunity for the public to express their concerns, comments, and to seek buy-in. Early coordination is the perfect opportunity to examine the proposed project and its impacts to the community along with the many ways and or tools to inform the public of the improvements and seek engagement. A good public involvement plan, or PIP, should consider the type, scope, impacts, and the level of public awareness that should, or could, be implemented. In other words, although there are cases where no public involvement is legally required, sometimes it is simply the right thing to do in order to keep the public informed.

The public involvement office is always available to provide support and resources to bolster any public involvement activities you may wish to implement or discuss. Please feel free to contact our office anytime should you have any questions or concerns.

Thank you for notifying our office about your proposed project. We trust you will not only analyze the appropriate public involvement required, but also consider the opportunity to do go above and beyond those requirements in creating a good PIP.

Rickie Clark, Manager
100 North Senate Avenue, Room N642
Indianapolis, IN 46204
Phone: 317-232-6601
Email: rclark@indot.in.gov

Mary Wright, Hearing Examiner
Phone: 317-234-0796
Email: mwright@indot.in.gov



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

PHONE: (317) 232-1477
FAX: (317) 232-1499

Eric Holcomb, Governor
Joe McGuinness, Commissioner

June 21, 2017

Ms. Christine Meador, Section Leader
Civil & Environmental Consultants, Inc.
530 E. Ohio Street, Suite G
Indianapolis, IN 46204

Subject: Early Coordination Review (Des. No. 1600517)

Dear Ms. Meador,

In response to your request on June 9, 2017 for early coordination review of a two-way left turn lane and potentially the addition of travel lanes along US 20 between SR 15 and CR 35 in Elkhart County, Indiana; the Indiana Department of Transportation, Office of Aviation has reviewed the information and provides the following:

Are there any existing or proposed public-use airports within 5 nautical miles of the project limits (IC 8-21-10-6)?

The nearest public-use airports is located beyond 5 nautical miles of the project site.

Will an Indiana Tall Structure permit (IC 8-21-10-3-a) and/or Noise Sensitive (IC 8-21-10-3-b) permit be required?

Based upon the provided information, an Indiana Tall Structure permit would not be required unless the project involves the construction of a temporary (e.g., crane) or permanent structure that exceeds a height of 200 feet above ground level.

For any questions related to Indiana Tall Structure and/or Noise Sensitive permitting, please contact James Kinder at (317) 232-1485 jkinder2@indot.in.gov.

Sincerely,

A handwritten signature in blue ink that reads "Adam French".

Adam French
Chief Airport Inspector, Office of Aviation
Indiana Department of Transportation



INDIANA DEPARTMENT OF TRANSPORTATION
Driving Indiana's Economic Growth

Fort Wayne District
5333 Hatfield Rd.
Fort Wayne, IN 46808

PHONE: (260) 484-9541
FAX: (260) 471-1039

Eric Holcomb, Governor
Joe McGuinness, Commissioner

February 6, 2018

Ms. Laura Barnhart - Scientist III
Planning Services - Environmental
HNTB Corporation
111 Monument Circle, Suite 1200
Indianapolis, IN 46204
lbarnhart@HNTB.com

Re: Early Coordination – Des. No. 1600517
U.S. 20 Two Way Left Turn Lanes – SR 15 to CR 35
Elkhart County, Indiana

Dear Ms. Barnhart,

The Fort Wayne District has received your early coordination letter dated February 1, 2018. Based upon the information provided, we have no environmental concerns regarding the project at this time.

All construction activities should be cleared through Section 106 and INDOT Office of Public Involvement. The information detailed once the Section 106 and public involvement documentation is complete should be taken into consideration, reviewed during the project planning process, and incorporated into the environmental document/commitments as necessary.

A waters of the U.S. report and a permit determination should be prepared for Central Office ES review.

The range-wide programmatic consultation for the Indiana Bat and Northern Long-eared Bat will need to be completed according to "Using the USFWS's IPaC System for Listed Bat Consultation for INDOT Projects" dated October 25, 2017.

Please make future environmental review submittals through ERMS. If you have any questions please feel free to contact me.

Regards,

Toni N. Langevin
Environmental Manager II

Richard Connolly

From: Christine Meador
Sent: Friday, February 23, 2018 10:09 AM
To: Clift, Wm. Todd; Perry, Damien N (INDOT)
Cc: Richard Connolly; Kurtz, Brent; Loy, Mary
Subject: RE: Des 1600517 US 20 Improvement Project, Elkhart County Conceptual Stage Relocation Summary

Thank you for the clarification and have a great day.
Chris

From: Clift, Wm. Todd [mailto:WClift@indot.IN.gov]
Sent: Friday, February 23, 2018 10:04 AM
To: Christine Meador <CMeador@HNTB.com>; Perry, Damien N (INDOT) <DPerry1@indot.IN.gov>
Cc: Richard Connolly <rconnolly@HNTB.com>; Kurtz, Brent <BKurtz@indot.IN.gov>; Loy, Mary <MaLoy@indot.IN.gov>
Subject: RE: Des 1600517 US 20 Improvement Project, Elkhart County Conceptual Stage Relocation Summary

Hello Cristine –

A CSRS is not an INDOT or FHWA requirement but it is one of the tools that can be used for the relocation planning. What is required is to ensure that items 1-5 listed below are covered in the NEPA / EJ document.

We are currently putting out an RFP for all Real Estate Services (RW Management, Appraising, Buying and Relocation) for the US 20 project. The firm awarded this contract will be required to ensure that the assigned relocation agent attend the onsite appraisal meetings for those relocation parcels. This early involvement by the assigned relocation agent has been an accepted process by FHWA which is considered “**early stage planning**” for those persons displaced for a federally funded projects.

There is a cost related to a CSRS, I’ve included the Project Manager on my reply. If Damien feels a CSRS is needed, we will need to ensure funding is in place to pay for the cost of the report. They can run from \$2,000 - \$10,000 depending on the complexity and number of relocations on the project. I would estimate a CSRS for this project to be around \$5,000.00.

As for my personal opinion on the CSRS; they can be useful on large complex relocation projects but with mostly residential relocations on this project, I don’t believe it would be that beneficial.

Please let me know if you have any follow up questions.

49 CFR 24.205(a) Relocation planning

(a) Relocation planning. During the early stages of development, an Agency shall plan Federal and federally-assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning **may** involve a relocation survey or study, which **may** include the following:

- (1)** An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.

(2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, the Agency should consider housing of last resort actions.

(3) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

(4) An estimate of the availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.

(5) Consideration of any special relocation advisory services that may be necessary from the displacing Agency and other cooperating Agencies.

Wm. Todd Clift

**Acquisition, Relocation & LPA
Section Manager**

100 N. Senate Avenue, Room N642
Indianapolis, IN 46204

Office: (317) 232-5060

Fax: (317) 233-3055

Email: wclift@indot.in.gov



From: Christine Meador [<mailto:CMeador@HNTB.com>]

Sent: Thursday, February 22, 2018 10:40 PM

To: Clift, Wm. Todd <WClift@indot.IN.gov>

Cc: Richard Connolly <rconnolly@HNTB.com>

Subject: Des 1600517 US 20 Improvement Project, Elkhart County Conceptual Stage Relocation Summary

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

Mr. Clift,

We are looking for some guidance from your office as to whether or not a Conceptual Stage Relocation Survey (CSRS) will be needed for this project. We are currently anticipating around 17 relocations (15 residential and 2 commercial). During the environmental kickoff meeting we were directed to contact you to determine the need of the study. Any guidance you can provide would be greatly appreciated. Let me know if you have any questions or would like to discuss the project further.

Thank you for your assistance in this matter.

Christine Meador

Assistant Department Manager
Environmental Planning

Tel (317) 636-4682 Cell (317) 459-3629 Direct (317) 917-5338 Email cmeador@hntb.com



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVE.
DETROIT, MICHIGAN 48226-2550

July 21, 2017

Christine Meador
HNTB Corporation
111 Monument Circle, Suite 1200
Indianapolis, IN 46204

Dear Ms. Meador:

This is in response to your June 9, 2017, letter requesting comments on the proposed addition of a two-way left turn lane and the possible addition of travel lanes along US 20 between State Road 15 (SR 15) and County Road (CR 35) in Elkhart County, Indiana (Des. No. 1600517). We are providing comments in accordance with our responsibilities under our civil works and regulatory programs. We are also providing advice under our Floodplain Management Services Program.

Our civil works program does not include any existing or currently planned projects for water resources in the vicinity of the proposal described in your letter; nor do we have any proposed studies for the area.

Our Regulatory Office is reviewing your project proposal pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. They will provide information regarding Department of the Army permit considerations for the project in a separate mailing. No activities under the Corps of Engineers' regulatory jurisdiction may commence without prior Corps' authorization. Questions regarding the regulatory review can be directed to Ms. Dominique Blockett, Project Manager, Compliance and Enforcement Branch, Regulatory Office, at 313-226-1325. Please reference Regulatory File Number LRE-2017-00516-120 when inquiring about this review.

The project site is not in a Federally delineated floodplain. The Federal Emergency Management Agency Flood Insurance Program database does not include mapping for the project area, but indicates that no special flood hazard exists. As local- or State-designated floodplains may be present in the project site, we recommend that you coordinate with local officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with local and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain information indicating that any part of your project would impact a floodplain, you should consider

other alternatives that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed addition of a two-way left turn lane along US 20 between SR 15 and CR 35 in Elkhart County, Indiana. Any questions may be directed to Mr. Paul Allerding of my staff at 313-226-7590 or me at 313-226-2476.

Sincerely,

Original signed

Charles A. Uhlarik, Chief
Environmental Analysis Branch

Copies furnished:

Dominique Blockett, Corps Regulatory Office, Detroit
Jason Chromka, Corps Floodplain Management Services Coordinator, Detroit

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MI 48226-2550

July 26, 2017

REPLY TO
ATTENTION OF:

Engineering & Technical Services
Regulatory Office
File No. LRE-2017-00516-120

Christine Meador
HNTB Corporation
111 Monument Circle, Suite 1200
Indianapolis, IN 46204

Dear Ms. Meador:

This is in response to your letter requesting the Corps of Engineers' (Corps) input regarding the proposed addition of a two-way left turn lane and potential additional travel lanes along US 20 between State Road 15 (SR 15) and County Road 35 (CR 35) in Elkhart County, Indiana. (INDOT Des No. 1600517).

In all waters of the United States, including adjacent wetlands, any discharge of dredged and/or fill material must be authorized by the Department of the Army. The authority of the Corps of Engineers to regulate the discharge of dredged and/or fill material is contained in Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act. Please be advised that filling and grading work, mechanized landclearing, the sidelaying of excavated material, and some forms of piling installation constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority.

For your convenience, the necessary permit application can be found on our website at <http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>. Plan view and cross-sectional view drawings, in 8½" x 11" format, should accompany the application. Drawings and a narrative on the form should specifically identify and describe all of the structures, work, and discharges which we regulate as described above, including temporary or construction measures. A map of all waters and wetlands on the project site should also accompany the application. Please ensure that you have also included a vicinity map indicating the exact location of your proposed project with your plan view and cross-sectional view drawings. Applications without all the above information cannot be processed. Send the application package to the address listed above.

Your June 9, 2017 request noted the project would entail work near wetlands, lakes, rivers, and streams located within half-mile radius of the project site. We recommend that the INDOT and their consultant identify and map any waters and adjacent wetlands on the project site. Wetlands should be delineated via the 1987 Federal Wetlands Delineation Manual and the appropriate Regional Supplement. The wetland delineation report and map should be forwarded to us with the above-noted application package. Our application review will include a determination of jurisdiction over any waters/wetlands on the project site. We may ask to meet with INDOT staff on the project site to review the Corps' jurisdiction and field check wetland delineations.

Should you have any questions, please contact me at the above address, by E-Mail at Dominique.R.Blockett@usace.army.mil, or by telephone at (313) 226-1325. In all communications, please refer to File Number LRE-2017-00516-120.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,

Dominique R. Blockett
Project Manager
Regulatory Office

Enclosure

Copy Furnished

INDOT, Des. No. 1600517
Michiana Branch Office

Project No. _____ Des. No. 1600517

Project Description Two Way Left Turn Lane, U.S. 20 – SR 15 to CR 35, Elkhart County,
Indiana

Name of Organization requesting early coordination:

HNTB Corporation

QUESTIONNAIRE FOR THE INDIANA GEOLOGICAL SURVEY

- 1) Do unusual and/or problem () geographic, () geological, () geophysical, or () topographic features exist within the project limits? Describe:

No

- 2) Have existing or potential mineral resources been identified in this area? Describe:

No

- 3) Are there any active or abandoned mineral resources extraction sites located nearby? Describe:

No

This information was furnished by:

Name: Robin Rupp Title: Geologist

Address: 611 North Walnut Grove, Bloomington, IN 47405

Phone: 812-855-7428

Date: July 6, 2017

Organization and Project Information

Project ID:
Des. ID: 1600517
Project Title: US 20 between SR 15 and CR 35
Name of Organization: HNTB
Requested by: Christine Meador

Environmental Assessment Report

1. Geological Hazards:
 - Moderate liquefaction potential
2. Mineral Resources:
 - Bedrock Resource: Moderate Potential
 - Sand and Gravel Resource: Low Potential
3. Active or abandoned mineral resources extraction sites:
 - Active Industrial Minerals Sites (2016) ([Industrial Minerals](#))

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

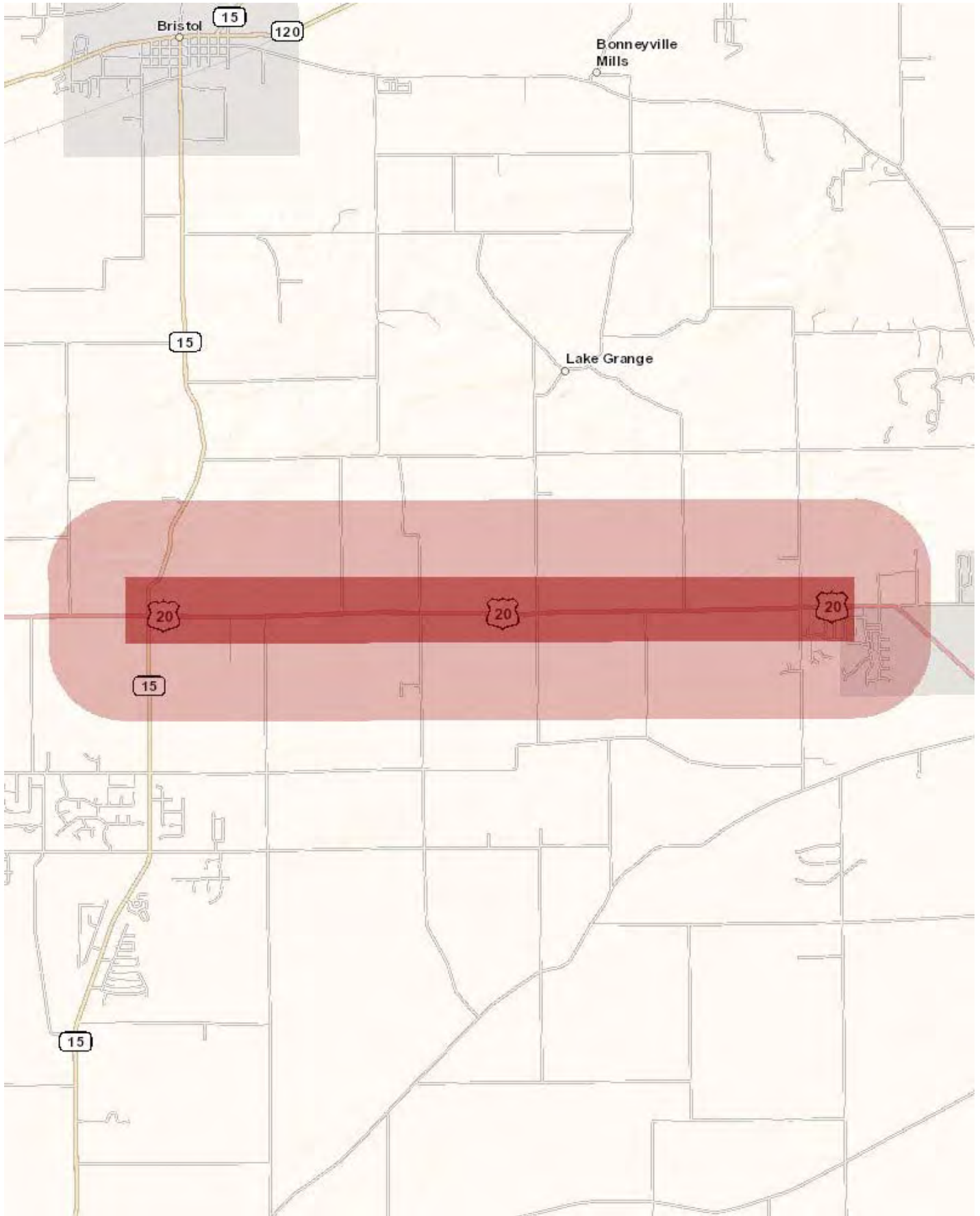
DISCLAIMER:

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: 611 N. Walnut Grove Avenue, Bloomington, IN 47405-2208
Email: IGSEnvir@indiana.edu
Phone: 812 855-7428

Date: March 14, 2018

Appendix C, Page 27 of 108



Laura Barnhart

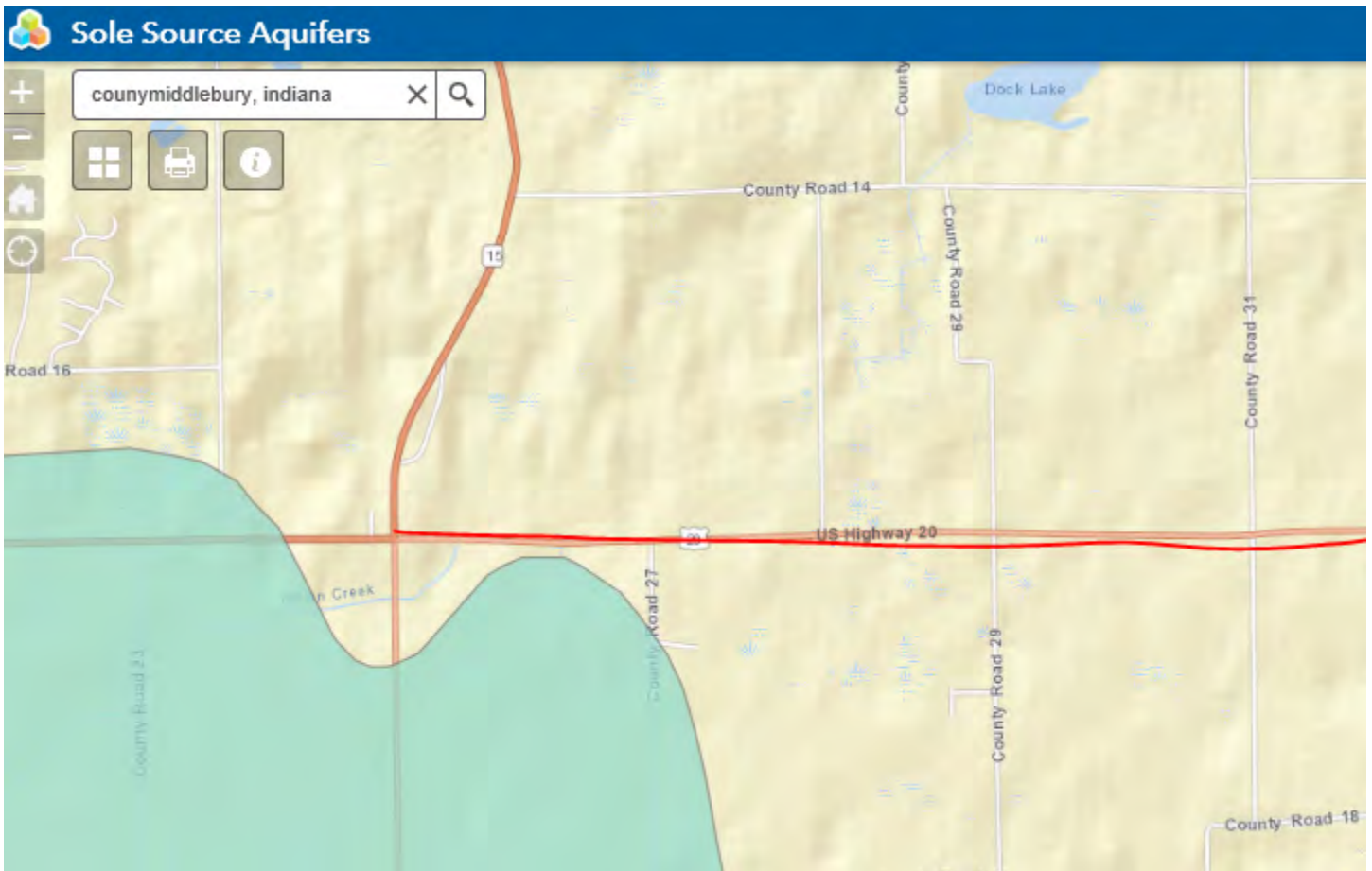
From: Christine Meador
Sent: Thursday, February 01, 2018 5:39 PM
To: Laura Barnhart
Subject: FW: SSA Inquiry - Des. No. 1600517 - U.S. 20 between S.R. 15 and C.R. 35

From: Bosscher, Valerie [mailto:bosscher.valerie@epa.gov]
Sent: Thursday, February 1, 2018 5:35 PM
To: Christine Meador <CMeador@HNTB.com>
Cc: dperry@indot.in.gov
Subject: SSA Inquiry - Des. No. 1600517 - U.S. 20 between S.R. 15 and C.R. 35

Good afternoon, Christine,

In reply to your letter about the above referenced project, my review of your project location along U.S. 20 between S.R. 15 and C.R. 35, located between Middlebury and Elkhart, Indiana, is not located within a designated Sole Source Aquifer review area, so an EPA Sole Source Aquifer project review of this project is not required. This is based on my understanding, based on information provided, that the project will only impact a small distance to the south of U.S. 20.

The project location (highlighted in red below) is outside the St. Joseph SSA project review area (i.e., U.S. 20 is at least approximately 250 feet to north), as shown in this screen shot from the searchable maps online at <https://www.epa.gov/dwssa>:



While this project is not subject to Sole Source Aquifer review, we suggest that during construction appropriate safeguards are in place to ensure that ground water is not endangered. Such safeguards would include securing adequate precautions for fueling/servicing large equipment, using “green infrastructure” practices where possible, and developing contingency plans to handle the release of any hazardous materials.

Please let me know if you have any questions, or if you would like a formal response letter.

Thank you,
Val

Valerie Bosscher, P.E.
Environmental Engineer
Ground Water & Drinking Water Branch
Ph 312-886-6731
U.S. EPA Region 5
77 W. Jackson Blvd. (WG-15J)
Chicago, IL 60604

Laura Barnhart

From: Bosscher, Valerie <bosscher.valerie@epa.gov>
Sent: Wednesday, March 14, 2018 3:47 PM
To: Laura Barnhart
Subject: RE: SSA Inquiry - Des. No. 1600517 - U.S. 20 between S.R. 15 and C.R. 35

Good afternoon, Ms. Barnhart,

Thank you for the notification of the change in the project (to 5 lanes) and for the clarification of the distance from the St. Joseph SSA boundary.

Because the project is not located within a designated Sole Source Aquifer review area, an EPA Sole Source Aquifer project review of this project is not required.

Thank you,
Val

Valerie Bosscher, P.E.
Environmental Engineer
Ground Water & Drinking Water Branch
Ph 312-886-6731
U.S. EPA Region 5
77 W. Jackson Blvd. (WG-15J)
Chicago, IL 60604

From: Laura Barnhart [mailto:lbarnhart@HNTB.com]
Sent: Tuesday, March 06, 2018 12:42 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>
Cc: spaulding.william@epa.gov
Subject: RE: SSA Inquiry - Des. No. 1600517 - U.S. 20 between S.R. 15 and C.R. 35

Hello Ms. Bosscher,

Thank you for your original response to the early coordination letter, and the link to view SSAs.

Please find the attached update to Early Coordination regarding the INDOT roadway project US 20 between SR 15 and CR 35 in Elkhart County (Des 1600517). The proposed right-of-way lines and construction limits will be within 125 feet of the delineated SSA on the west end of the project. Checking in to make sure this proximity wouldn't change any recommendations.

Thank you,

Laura Barnhart
Scientist III
Planning Services - Environmental
Tel (317) 917-5219 Email lbarnhart@hntb.com

HNTB CORPORATION

July 26, 2018

Christine Meador
Assistant Department Manager
HNTB Corporation
111 Monument Circle, Suite 1200
Indianapolis, Indiana 46204-5178

Dear Ms. Meador:

The revised project to perform road improvements on US 20 between State Road 15 and County Road 35 in Elkhart County, Indiana, (Des No 1600517), as referred to in your letter received July 5, 2018, will cause a conversion of prime farmland.

The attached packet of information is for your use completing 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 Rick Neilson at 317-295-5875.

Sincerely,

JERRY RAYNOR Digitally signed by JERRY RAYNOR
Date: 2018.07.27 12:23:12 -04'00'

JERRY RAYNOR
State Conservationist

Enclosures



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

PART I (To be completed by Federal Agency)	3. Date of Land Evaluation Request 7/2/18	4. Sheet 1 of <u> </u> of <u> </u>
---	--	--------------------------------------

1. Name of Project Des No 1600517	5. Federal Agency Involved FHWA
--	---

2. Type of Project Roadway alternatives	6. County and State ElkhartCounty, Indiana
--	---

PART II (To be completed by NRCS)	1. Date Request Received by NRCS 7/5/18	2. Person Completing Form SR
--	---	--

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 128 Ac
--	--

5. Major Crop(s) Corn	6. Farmable Land in Government Jurisdiction Acres: 257229 % 86	7. Amount of Farmland As Defined in FPPA Acres: 165598 % 55
---------------------------------	---	--

8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
--	---	---

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	91.0	91.0		
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	91.0	91.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	42.8	41.8		
B. Total Acres Statewide And Local Important Farmland	0.0	0.0		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	.017	0.0160		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	9.0	9.0		

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)				
	100	100		

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	4	4		
2. Perimeter in Nonurban Use	10	6	6		
3. Percent Of Corridor Being Farmed	20	3	5		
4. Protection Provided By State And Local Government	20	20	20		
5. Size of Present Farm Unit Compared To Average	10	0	0		
6. Creation Of Nonfarmable Farmland	25	0	0		
7. Availability Of Farm Support Services	5	4	4		
8. On-Farm Investments	20	12	12		
9. Effects Of Conversion On Farm Support Services	25	4	4		
10. Compatibility With Existing Agricultural Use	10	2	2		
TOTAL CORRIDOR ASSESSMENT POINTS	160	55	57	0	0

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	100	100	
Total Corridor Assessment (From Part VI above or a local site assessment)	160	55	57	0
TOTAL POINTS (Total of above 2 lines)	260	155	157	0

1. Corridor Selected: Corridor 2	2. Total Acres of Farmlands to be Converted by Project: 33 Acres	3. Date Of Selection: 8/10/18	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--	---	---

5. Reason For Selection:
Corridor 2 was chosen as it exhibited fewer overall environmental and utility impacts.

Signature of Person Completing this Part: Richard Connolly	DATE 8/8/18
--	-----------------------

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



United States Department of the Interior

Fish and Wildlife Service



Indiana Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

July 7, 2017

Mrs. Christine Meador
HNTB Corporation
111 Monument Circle, Suite 1200
Indianapolis, Indiana 46204

Project No.: Des. 1600517
Project: US 20 Continuous Left Turn Lane, SR 15 to CR 35
Location: Elkhart County

Dear Mrs. Meador:

This responds to your letter dated June 9, 2017, 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 proposed project consists of the widening of approximately 4 miles of US 20 to provide a continuous left turn lane in the center of the highway; however, if traffic volumes warrant additional travel lanes, the project will also widen the highway to 4 lanes plus the center left turn lane. US 20 west of SR 15 to CR 17 was recently widened to 4 lanes and the US 20/CR 35 intersection is already 3 lanes, so this proposed project is a continuation of upgrades along US 20 across northern Indiana. Additional permanent right-of-way will be required for the proposed project; however, your letter does not provide information on the current or proposed right-of-way widths.

Several wetlands are adjacent to US 20 in the western portion of the proposed project area. They currently extend to the roadside ditches at the base of the highway embankment, and therefore may be within the existing right-of-way. Mitigation for the loss of wetlands will be required. In addition, many trees, both deciduous and evergreen, which provide habitat for migratory birds and other wildlife will be lost to the project and will need to be replaced as close to the project area as possible.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat *Myotis septentrionalis*) and eastern massasauga rattlesnake (*Sistrurus catenatus*). The impacts on the 2 bat species will be evaluated utilizing the Range-wide Programmatic Consultation process, as determined through Section 7 consultation among the U.S. FWS and the Federal Highway Administration. There is no known habitat for the eastern massasauga within the proposed project area, so we agree that the proposed project is not likely to adversely affect this threatened species.

This precludes the need for further consultation on the eastern massasauga as required under Section 7 of the Endangered Species Act of 1973, as amended.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change, please recoordinate with our office as soon as possible. For further discussion, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

/s/ *Elizabeth S. McCloskey*

for Scott E. Pruitt
Supervisor

Sent via email July 7, 2017; no hard copy to follow.

cc: Christie Stanifer, Environmental Coordinator, Division of Fish and Wildlife, Indianapolis, IN
Federal Highway Administration, Indianapolis, IN

Laura Barnhart

From: McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>
Sent: Tuesday, March 20, 2018 2:18 PM
To: Laura Barnhart; Christine Meador
Subject: Re: Early Coordination Update - US 20 between SR 15 and CR 35 - Des 1600517

Good afternoon Laura and Christine,

Although I believe our original letter of July 7, 2017 continues to suffice at this time, I do have a few questions.

The drawing showing the proposed new right-of-way appears to be wider to the south than to the north - is it really planned to shift the highway slightly south or is that just an anomaly in the drawings? It appears that a large number of houses would be removed if the highway is widened to the south, which seems to eliminate the need for a continuous left turn lane throughout the entire project length because home-owners would no longer be making turns across the traffic. Although your letter indicates that about 48 acres of new permanent right-of-way would be required, the width of the ROW compared to the current ROW is not given. Once the project is further refined, we would appreciate receiving a .kmz file showing the ROW.

Whether or not woodland mitigation is needed for listed bats, USFWS would still like to see mitigation for the loss of trees for migratory birds and other wildlife, since a large number of trees will be taken. You wouldn't have seen bats in October during site visits because they will already have migrated, and it is almost impossible to see roosting bats anyway even when they are there. The overall habitat in the area is suitable for bats, but no studies have been done in that area so no records would show up in our or IDNR's databases.

Please provide us a copy of the wetlands delineation report and the Corps' jurisdictional determination - we will be reviewing the Section 404 permit for the project and it will help a great deal if we have all that information up front.

Thank you for keeping us informed about this project.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice

On Tue, Mar 6, 2018 at 1:34 PM, Laura Barnhart <lbarnhart@hntb.com> wrote:

Ms. McCloskey,

Please find the attached update to Early Coordination regarding the INDOT roadway project US 20 between SR 15 and CR 35 in Elkhart County (Des 1600517).

In your original July 7, 2018 early coordination response, you noted interest in the right-of-way boundaries. You will find an initial version of the proposed ROW boundaries in the attached graphics. These are subject to some change at this point. However, it should be assumed that up to 5.5 acre of tree clearing may be necessary, a portion of which may extend to 100-300 feet from the edge of existing pavement.

Richard Connolly

From: McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>
Sent: Monday, June 11, 2018 10:15 AM
To: Richard Connolly
Subject: Re: [EXTERNAL] Re: Early Coordination Update - US 20 between SR 15 and CR 35 - Des 1600517

Good morning Richard, thank you for this information. I was able to get the wetland delineation.

Are you still planning a site visit for next week? The only day I will not be available is Wednesday the 20th.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice

On Wed, May 30, 2018 at 3:32 PM, Richard Connolly <rconnolly@hntb.com> wrote:

Ms. McCloskey,

My colleague, Laura Barnhart, has moved to the Idaho Rockies so I'll be picking up this coordination thread where she left off. Below are answers to the questions in your March 20, 2018 e-mail.

The proposed new right-of-way shown on the graphics provided shows the approximate right-of-way of the recommended preferred alternative. This alternative does shift to the south slightly. Other alternatives under consideration widen the roadway to the north and widen equally north and south from the existing centerline. Each alternative would displace approximately the same number of residences. The widen to the south alternative minimizes impacts to forested wetlands and avoids substantial utility conflicts.

On average throughout the corridor the proposed right-of-way for the recommended preferred alternative is approximately 80-90 feet further south than the existing right of way. I have attached a KMZ of the preliminary right-of-way for the recommended alternative.

You will be receiving an e-mail with instruction on how to access the wetland delineation report via our FTP site. Our preliminary plan to mitigate wetland impacts is to purchase credits from the Indiana Stream and Wetland Mitigation Program. We will look for opportunities to mitigate any unavoidable upland forest impacts. Let me know if you have any problems accessing the site.

Also, I'm looking at setting up a resource agency meeting for the project the week of June 18. Are there any days or times that do not work for you? My plan was to set up a conference call/webex but if there is enough interest we could meet on site.



PO Box 51, Middlebury, IN 46540, 574-825-3600, www.waypointcommunity.com

Des. No. 1600517
Two Way Left Turn Lane
U.S. 20 – SR 15 to CR 35
Elkhart County, Indiana

February 14, 2018

To Whom It May Concern:


We have reviewed the documentation you have submitted for the project designated above. Although we anticipate a great deal of congestion due to the work, which happened with the previous extension from the bypass to SR 15, we agree with the need for this project.

We believe turning left off US 20 is indeed dangerous. We have 100's of people who use our facility weekly and they have commented about how unsafe they feel. Some have resorted to traveling backroads to get to our property.

We have also noted an increase use of US 20 by Amish carts in the last year. The need to have easier ways to pass these vehicles will be valuable too. People are going to pass, having a safe way to do it makes more sense.

We have wetlands on our property but don't believe there will be any impact to these areas. We know we will likely have some of our frontage affected. Obviously, we are curious about the specific details and how this will impact our property but in principle, we support the effort to move forward with this project. This will have long term positive effects of making our area much safer for the people in our community.

Sincerely,


Blair Carlstrom, Lead Pastor
Waypoint Community Church



418 North Main Street
Middlebury, Indiana 46540
Phone: 574-825-1499
Fax: 574-825-1485
www.middleburyin.com

February 16, 2018

HNTB Corporation
111 Monument Circle
Suite 1200
Indianapolis, IN 46240

Attention: Ms. Christine Meador

**RE: US 20 FROM SR 15 TO CR 35 TWO-WAY LEFT TURN LANE
DES. NO. 1600517**

Dear Ms. Meador,

Thank you for involving the Town of Middlebury in the Early Coordination efforts for the US 20 project from SR 15 to CR 35, in Elkhart County. While the Middlebury Town Council agrees with INDOT on the assessment that this section of US 20 needs to be improved due to the significant number of accidents involving vehicles waiting to turn left, we also believe that this section of US 20 should resemble the typical cross section to the west of SR 15 between CR 17 and SR 15 which includes a center left turn lane, two through lanes in each direction along with a shoulder. However, the proposed shoulder in the US 20 project between SR 15 and CR 35 needs to be constructed extra wide to allow for all modes of transportation, including the horse and buggy traffic and bicycle traffic. INDOT did a great job at expanding the typical cross section in Lagrange County to accommodate horse and buggy traffic, and that typical cross section needs to be expanded into Elkhart County, due to the significant influx of the Amish and Mennonite community migrating west into Elkhart County and their main mode of transportation is a horse and buggy.

The intersection of US 20 and CR 35 needs to be improved to allow for protected left turns along with having a through lane and a dedicated right turn lane on the north and south approaches to the intersection. While Middlebury Community Schools are in session, CR 35 experiences significant traffic volumes. Also, Elkhart County Gravel Pit is located just to the north of the Northridge High School on CR 35, and it generates a significant amount of heavy truck traffic. So, the typical cross section along CR 35 will need some special consideration to accommodate for these types of loadings.

The Town of Middlebury is considering the possibilities of extending sanitary sewer and water to the west to allow for future growth of the town. Town Officials will want to be involved with the Utility Coordination aspect of the project, too.

The Town of Middlebury wants to make sure that the section of US 20 between CR 35 and SR 13 is being considered by INDOT for a roadway improvement/widening project in the near future. This section of roadway experiences a significant amount of traffic, too. Plus there are several locations where the roadway slope could be improved for better visibility.

P:\Projects\2017\2017-0044 US 20 CR 35 to SR 15\Correspondance\2018.02.07 Ltr to HNTB re Comments on Project.doc

Again, we thank you for including us in the Early Coordination process, and we look forward to working with you on this project.

Please feel free to contact our Town Manager Mary Cripe, P.E., with any questions or concerns. She can be reached at 574-825-1499 or by email at townmanager@middleburyin.com.

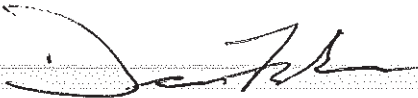
Sincerely,



Gary O'Dell
Town Council President



Chuck Teall
Town Council Member



Dan Frederick
Town Council Member



Indiana Department of Environmental Management

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Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

March 12, 2018

66-33
HNTB Corporation
Attention: Ms. Christine Meador
111 Monument Circle, Suite 1200
Indianapolis, Indiana 46204

Dear Ms. Christine Meador,

RE: Wellhead Protection Area
Proximity Determination
Des No 1600517 Update
U.S. 20 – SR 15 to CR 35
Elkhart County, Indiana

Upon review of the above referenced project site, it has been determined that the proposed project area **is not located within** a Wellhead Protection Area. The information is accurate to the best of our knowledge; however, there are in some cases a few factors that could impact the accuracy of this determination. Some Wellhead Protection Area Delineations have not been submitted, and many have not been approved by this office. In these cases we use a 3,000 foot fixed radius buffer to make the proximity determination. To find the status of a Public Water Supply System's (PWSS's) Wellhead Protection Area Delineation please visit our tracking database at <http://www.in.gov/idem/cleanwater/2456.htm> and scroll to the bottom of the page.

Note: the Drinking Water Branch has launched a new self service feature which allows one to determine wellhead proximity without submitting the application form. Use the following instructions:

1. Go to <http://idemmaps.idem.in.gov/whpa2/>
2. Use the search tool located in the upper left hand corner of the application to zoom to your site of interest by way of city, county, or address; or use the mouse to click on the site of interest displayed on the map.
3. Once the site of interest has been located and selected, use the print tool to create a .pdf of a wellhead protection area proximity determination response.

In the future please consider using this self service feature if it suits your needs.

If you have any additional questions please feel free to contact me at the address above or at (317) 233-9158 and aturnbow@idem.in.gov.

Sincerely,

Alisha Turnbow,
Environmental Manager
Ground Water Section
Drinking Water Branch
Office of Water Quality



Aaron Grisel

From: Lamkin, Sara <SLamkin@idem.IN.gov>
Sent: Tuesday, July 24, 2018 9:52 AM
To: Aaron Grisel
Subject: RE: U.S. 20 Improvement NPDES Permit Coordination

Arron,

My only concerns are the ones you have already pointed out the access to the sites for adjacent sites/facilities and the overlap that you mentioned.

Sara Lamkin
Storm Water Permit Coordinator
IDEM, Office of Water Quality
100 North Senate Avenue
IGCN Room 1255
Indianapolis, Indiana 46204
317-233-1864

From: Aaron Grisel [mailto:tgrisel@HNTB.com]
Sent: Friday, July 20, 2018 10:26 AM
To: Lamkin, Sara <SLamkin@idem.IN.gov>
Cc: MURPHY, BRIDGET <BSMURPHY@idem.IN.gov>
Subject: RE: U.S. 20 Improvement NPDES Permit Coordination

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Good Morning Sara,

Sorry for the confusion in the initial email. The points for the facilities on the map do in fact lie outside of the construction limits of the project; however, portions of the parcels for both sites do lie within the construction limits (this does not necessarily mean any NPDES permitted structures lie within the limits). In the case of these facilities, the construction limits lie within the entrance to the facilities. Access to both facilities will be maintained throughout construction.

This coordination is recommended by the INDOT Environmental Services Haz Mat group to ensure that our project will not impact any portions of the facilities that are being permitted for (i.e. facility outfall pipes, storm/wastewater structures, etc.). It is unlikely that our project will affect any NPDES structures; however, we do want to provide the opportunity to comment in the case that an impact may occur.

If there are any concerns you may have, please let me know and it will be included in the environmental document and additional coordination will occur to avoid and minimize impacts. If you do not foresee any impacts, please let me know that no impacts anticipated. If no impacts are anticipated, no further coordination will be necessary. If you have any questions please let me know.

Thanks,

Aaron Grisel
Scientist I

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111 Monument Circle, Suite 1200, Indianapolis, Indiana 46204 | www.hntb.com

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From: Lamkin, Sara [<mailto:SLamkin@idem.IN.gov>]
Sent: Thursday, July 19, 2018 1:56 PM
To: Aaron Grisel <tgrisel@HNTB.com>; MURPHY, BRIDGET <BSMURPHY@idem.IN.gov>
Subject: RE: U.S. 20 Improvement NPDES Permit Coordination

Aaron,

INR10L757 is a 23 acre construction project at the address you gave.
INRM01005 is a concrete plant again at the address you gave.

I am unsure what information you need. Your map shows that your project will not touch the areas.

Sara Lamkin
Storm Water Permit Coordinator
IDEM, Office of Water Quality
100 North Senate Avenue
IGCN Room 1255
Indianapolis, Indiana 46204
317-233-1864

From: Aaron Grisel [<mailto:tgrisel@HNTB.com>]
Sent: Wednesday, July 18, 2018 2:24 PM
To: Lamkin, Sara <SLamkin@idem.IN.gov>; MURPHY, BRIDGET <BSMURPHY@idem.IN.gov>
Subject: U.S. 20 Improvement NPDES Permit Coordination

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Good Afternoon,

I am currently preparing the environmental document for the U.S. 20 Improvements Project from SR 15 to SR 35 in Elkhart County, Indiana (Des. 1600517) on behalf of INDOT. Proposed project activities include widening of the roadway to added a travel lane in each direction as well as a two-way left turn lane. The proposed alignment will be shifted south of the existing pavement. Attached is a map depicting the current propose project construction limits.

During the Red Flag Investigation stage of the project, two NPDES Facilities were identified within the project area: Lippert Components Plant 67 (Permit Number: INR10L757; 14489 U.S. 20, Middlebury, IN 46540) and Kuert Concrete Incorporated (Permit Number: INRM01005; 18370 U.S. 20, Middlebury, IN 46540). We are requesting any comments or recommendation as they relate to the proximity of the permitted NPDES Facilities and structures to the proposed project. If you have any questions or need additional information regarding this project, please let me know.



Indiana Department of Environmental Management

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INDOT

Damien Perry
5333 Hatfield Road
Fort Wayne , IN 46808

Date

HNTB

Richard Connolly
111 Monument Circle
Indianapolis , IN 46204

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with a roadway project to add two travel lanes and a two-way-left-turn lane to U.S. 20 in Elkhart County, Indiana. We request comments from you within your area of expertise regarding any potential environmental or community effects associated with this proposed project. The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle. The updated proposed project will widen U.S. 20 between SR 15 and CR 35 to accommodate the addition of one travel lane in each direction and one Two-Way Left Turn Lane. The resulting typical section would be a five-lane section with paved shoulders. The project is likely to require the acquisition of approximately 48 acres of permanent right-of-way.

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 it is 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

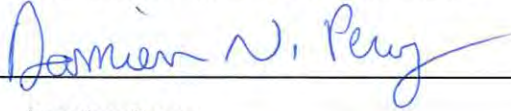
The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with a roadway project to add two travel lanes and a two-way-left-turn lane to U.S. 20 in Elkhart County, Indiana. We request comments from you within your area of expertise regarding any potential environmental or community effects associated with this proposed project. The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle. The updated proposed project will widen U.S. 20 between SR 15 and CR 35 to accommodate the addition of one travel lane in each direction and one Two-Way Left Turn Lane. The resulting typical section would be a five-lane section with paved shoulders. The project is likely to require the acquisition of approximately 48 acres of permanent right-of-way.

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: 8/8/18

Signature of the INDOT

Project Engineer or Other Responsible Agent



Damien Perry

Date: _____

Signature of the
For Hire Consultant

Richard Connolly

Digitally signed by Richard
Connolly
Date: 2018.08.07 19:01:02 -04'00'

Richard Connolly

US 20 Improvement Project SR 15 to CR 35

Resource Agency Meeting
INDOT

July 12, 2018



Agenda

- **Welcome and Introductions**
- **Purpose and Need for Project**
- **Project History and Current Status**
- **Public Involvement**
- **Alternatives**
- **Environmental Resources**
- **Permitting**
- **Next Steps**



Purpose and Need

The needs for the project are:

1. High Crash Rate
2. Reduce Congestion
3. Visibility Problems

The purpose of the project is to reduce congestion and enhance safety on US 20 from SR 15 to CR 35



Project History and Current Status

- **5 lane Section to the East**
- **Improvements will extend from just east of SR 15 to CR 35.**
- **Ongoing coordination with the Amish Community**
- **Preparation of the CE 4 document**
- **Section 106 Process on-going**



Public Involvement

- **SWG Meeting 3/14/2018**
- **Public Information Meeting 6/21/2018**
- **Public Hearing anticipated Fall 2018**



Alternatives Considered

TWLTL=Two Way Left Turn Lane

- **Alt 1 – 2-lane with TWLTL**
 - Does not meet the Purpose and Need
- **Alt 2 – 2 lane with TWLTL and Grading for Future 5 lane Section**
 - Does not meet the Purpose and Need
- **Alt 3A – 4 Lane with TWLTL (Center)**
 - Meets Purpose and Need
- **Alt 3B – 4 Lane with TWLTL (South)**
 - Meets Purpose and Need
- **Alt 4 – No Build**
 - Does not meet the Purpose and Need



Alternatives Investigated

■ **Alt 3A - 4-lane with TWLTL (Center)**

- Meets purpose and need
- Improves operation by separating left turning movements from through traffic
- Would result in Level of Service B for design year
- Substantial utility impacts on both sides of roadway
- Constructability concerns/buggy access
- Wetland/stream impacts
- Right-of-way impacts



Alternatives Investigated

- **Alt 3B - 4-lane with TWLTL (South)**
 - Meets purpose and need
 - Improves operation by separating left turning movements from through traffic
 - Would result in Level of Service (LOS) B for design year
 - Minimizes utility impacts
 - Optimizes traffic/buggy safety during construction
 - Wetland/stream impacts
 - Right-of-way impacts



Cultural Resources

- **No above Ground Resources Identified**
- **One historic archeological site within the corridor was recommended phase 2**
- **800.11 is in development.**



Utilities

- **Gas-6 inch transmission line on the north side some laterals would be impacted with 3A or 3B**
- **Electric OE on entire the north side with some limited on the south**
- **Fiber optic along the north side**



Miami Snowmobile Trail

- **Public easement on private land.**
- **Coordination has been complete with IDNR Division of Outdoor Recreation and the Elkhart County Snowmobile Club (OWJ). They do not foresee an issue moving their easement with either alternative.**



Alternative Evaluation

	Alternative 3A-Center	Alternative 3B-South
<u>Natural Environment Impact Assessment</u>		
Water Resources (construction Limits)		
Emergent Wetlands (acres)	2.51	2.38
Scrub Shrub Wetlands (acre)	0.27	0.09
Forested Wetlands (acre)	0.27	0.08
Total Wetlands (acre)	3.05	2.55
Open Water Impacts (acre)	0.3	0.5
Stream Impacts (ln ft)	923	240
Approximate Mitigation (acres)	6.91	5.35
Vegetation/ Landcover (right-of-way)		
Forest Impacts	4.00	4.46
Agricultural Impacts	11.34	8.49



Alternative Evaluation

	Alternative 3A-Center	Alternative 3B-South
<u>Human Environment Impact Assessment</u>		
Recreational Facilities		
Snowmobile Trail	Y	Y
Public Facilities		
School Properties	Y	Y
Property Impacts		
Approx. Property Impacts (acres)	91	91
Potential Relocations	29	21
Utility Impacts		
Gas	High	Low
Electric	High	Low
Fiber	High	Low



Wetland



Recommended

■ **Alt 3B - 4-lane with TWLTL (South)**

- Best meets Purpose and Need while minimizing overall environmental impacts
- Optimizes traffic safety during construction
- Optimizes constructability
- Accommodates future traffic growth and improved safety
- Meets Appropriate LOS for design year



Permitting

- **404/401 IP**
- **Elkhart County Legal Drain Permit**
- **Rule 5 Permit**
 - Mitigation using the Indiana Stream and Wetland Mitigation Program



Preliminary Schedule

■ Anticipated Milestones

- Public Hearing – Fall 2018
- Approved Env. Doc – January 2019
- Buying activities will follow – Spring 2019
- Under Construction by Summer 2022



Questions/Comments

- **HNTB**
Environmental
Lead
 - Rich Connolly
 - (317) 636-4682
 - rconnolly@hntb.com



**Thank you for your time and
feedback**



Purpose: Resource Agency Meeting
INDOT DES NO. 1600517
US 20 Improvement Project, Middlebury, IN

Meeting Date: July 12, 2018

Meeting Location: HNTB Corporation, 111 Monument Circle Indianapolis, IN 4620

Attendees: Kristi Todd, INDOT ES, Ecology and Waterway Permitting Team Lead
Nick Cooper, INDOT ES, Vincennes Ecology and Waterway Permitting Specialist
Matt Buffington, DNR, Environmental Supervisor
Jay Turner, IDEM, Wetland Project Manager
Joyce Newland, FHWA, Planning and Environmental Specialist
Ryan Cassidy, USACE, Permitting Specialist
Damien Perry, INDOT Ft. Wayne District, Project Manager
Karen Novak, INDOT Ft. Wayne District, Environmental Manager
Thomas Beauchamp, INDOT ES, Environmental Manager
Rich Connolly, HNTB Corporation
Mark Young, HNTB Corporation
Aaron Grisel, HNTB Corporation
Jordan Williams, HNTB Corporation

Topics Discussed:

1. Purpose and Need:
 - Project development has identified a need due to the high crash rate, reduced congestion, and visibility problems. The purpose is to reduce congestion and enhance safety along U.S. 20 from SR 15 to CR 35.
2. Project History/ Status:
 - The U.S. 20 roadway is currently 5 lanes to the east. The proposed project will include continuing the 5 lanes from SR 15 to CR 35.
 - Section 106 process and Amish coordination is ongoing.
3. Public Involvement:
 - Stakeholder Working Group Meeting: 3/14/18; Public Information Meeting: 6/21/18; Public Hearing anticipated fall 2018.
4. Alternatives Considered:
 - Alt 1 – 2 lanes with TWTL; does not meet P&N.
 - Alt 2 – 2 lanes with TWLTL and grading for future 5 lane section; does not meet P&N
 - Alt 3A - 4 lanes with TWLTL (Center alignment); meets P&N
 - Alt 3B – 4 lanes with TWLTL (South alignment); meets P&N
 - Alt 4 – No build; does not meet P&N
5. Alternatives Investigated:
 - Alt 3A
 - a) Improves operation by separating left turning movements through traffic
 - b) Would result in Level of Service B for design year
 - c) Substantial utility impacts
 - d) Constructability/ buggy access concerns
 - e) Wetland/stream impacts
 - f) ROW impacts
 - Alt 3B

- a) Improves operation by separating left turning movements through traffic
- b) Would result in Level of Service B for design year
- c) Minimal utility impacts
- d) Optimizes constructability/ buggy access
- e) Wetland/stream impacts
- f) ROW impacts

6. Cultural Resources:

- 800.11 is in development; one historic archaeological site within corridor (phase 2 recommended). No above ground resources identified.

7. Utilities:

- 6-inch gas, transmission line on the north side. Some gas laterals would be impacted on the north and south sides.
- Electric OE on entire north side and some on south side.
- Fiber optic line on the north side

8. Miami Snowmobile Trail:

- Exists within public easement on private land.
- IDNR Outdoor Recreation (Lessee) has been contacted and do not foresee issue with moving easement with either alternative.

9. Recommended Alternative:

- Alt 3B is recommended due to meeting P&N and requiring fewer environmental impacts. Also optimizes traffic safety during construction and accommodates future traffic growth as well as improved safety. Meets appropriate level of service for design year.

10. Permitting:

- Project will require 404/401 IP (significant wetland impacts), Elkhart County Legal Drain Permit, and Rule 5 Permit.
- Wetland mitigation will be required.

11. Preliminary Schedule

- Public Hearing - Fall 2018
- Approved Environmental Document - January 2019
- Buying activities (following environmental document approval) – Spring 2019
- Begin Construction – Summer 2022

12. Agency Input- Rich Connolly opened the meeting for questions. Below is a summary of the questions received and responses provided.

Joyce Newland - FHWA

Question: Why does Alternative 3B function better for buggy traffic during construction?

Answer: Alt 3B allows for use of the existing U.S. 20 while Phase 1 is constructed south of the existing. Once completed, traffic can be shifted onto new pavement (approx. 41 feet wide) allowing for re-construction of the existing pavement. This should allow for adequate shoulder width for buggy traffic during construction. Alternative 3A would result in multiple phases including shoulder closures which would force buggy traffic onto the roadway.

Rich Connolly - HNTB

Comment: Rich has spoken with Amish Safety Committee in the area and it was recommended that widened shoulders and modified rumble strips be used to allow for safer travel along U.S. 20. Pavement design is not yet completed. Shoulder pavement will be designed to account for the buggy traffic, specifically the horse hooves

Nick Cooper – INDOT ES EWPO

Question: How would the open water features be mitigated for?

Answer: It is likely that it will be 1:1 mitigation (IDEM). USACE will speak with Rich about this at a later date. USACE may require a different ratio. Conversation will occur with IDEM/ PMs about this topic.

Rich Connolly/ Mark Young - HNTB

Comment: Open waters at far east end will need special considerations from a design standpoint (still working out details). It is likely that area will require excavation of unsuitable soils (peat) and replacement with a select material to widen the roadway. The existing twin 60-inch metal culverts may be replaced when the road is reconstructed due to the need to remove and replace the soils. Final recommendations for this replacement are currently be developed. The existing pipes appear to function as equalizer pipes. It is recommended by Ryan Cassidy - USACE that this area is not excavated and filled.

Ryan Cassidy - USACE

Comment: The far west wetland on the north side of U.S. 20 is an existing mitigation site; however, construction will not occur that far north of the existing pavement. The extent of construction will most likely require guardrail to the south of Indian Creek (Mark Young - HNTB).

13. Contact Info and Closing

- After the conclusion of the questions and answer session Rich Connolly invited all attendees to ask any specific questions directly to the project team members before closing the meeting.

This is our understanding of items discussed and decisions reached. Please contact us if there are changes or additions.

Submitted by,
HNTB CORPORATION



Richard Connolly
Science Project Manager

Cc: Invitees, File

INDOT Bridge/Small Structure Bat Inspection Data Sheet (Rev 4/29/2016)

General Information		
Date of Inspection: 10/17/17	Initial Inspection <input type="checkbox"/>	Temp: 55° F
Time of Inspection: 1200-1400	Follow-up Inspection <input checked="" type="checkbox"/>	Wind: 10 MPH SW
County: ELKHART	Construction <input type="checkbox"/>	Precip: 0.0-in
Inspected by: R. CONNOLLY, L. BARNHART		Sunrise: 0757 Sunset: 1858
GPS Northing: 4613694.751 Easting: 604967.448 UTM Zone: 16	Contract Number: R-39851 DES 1600517	Anticipated Start Date for Construction: 2/13/2021

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: UNT OF LITTLE ELKART RIVER	Station: 566+00 ; RP 103+34
Bridge/Culvert number: 020-020-103.34	Number of Spans: NA - CULVERT
Type of Structure: <input type="checkbox"/> Concrete box beam <input type="checkbox"/> Steel beam <input type="checkbox"/> Concrete I-beam <input type="checkbox"/> Steel girder <input type="checkbox"/> Concrete bulb tee beam <input type="checkbox"/> Steel pony truss <input type="checkbox"/> Concrete arch <input type="checkbox"/> Welded steel thru girder <input type="checkbox"/> Concrete girder <input type="checkbox"/> Concrete box culvert <input type="checkbox"/> Concrete slab <input type="checkbox"/> Concrete pipe <input type="checkbox"/> Multi-plate arch <input checked="" type="checkbox"/> Corrugated steel pipe <input type="checkbox"/> Other (list):	Material: <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Other (describe): Shape: <input type="checkbox"/> Box Culvert <input checked="" type="checkbox"/> Pipe <input type="checkbox"/> Arch <input type="checkbox"/> Slab <input type="checkbox"/> Other (describe)
Searched entire structure? If not, why not? YES	Location of bats or signs of use (w/drawing and photos): N/A
Bats Present? <input type="checkbox"/> Seen? <input type="checkbox"/> Heard? NONE	
In Clusters? Number of clusters: N/A	
Number of bats in largest cluster: N/A	
Approximate total number of bats found: N/A	
Signs of previous bat use? <input type="checkbox"/> Guano <input type="checkbox"/> Staining NONE	

If Bats Present	
Date and Time Project Supervisor was notified:	N/A
Name of Project Supervisor notified:	N/A

For bridges and culverts, provide plan, longitudinal and cross section views as appropriate.



N/A

INDOT Bridge/Small Structure Bat Inspection Data Sheet (Rev 4/29/2016)

General Information		
Date of Inspection: 10/17/17	Initial Inspection <input type="checkbox"/>	Temp: 55° F
Time of Inspection: 1200-1400	Follow-up Inspection <input checked="" type="checkbox"/>	Wind: 10 MPH SW
County: ELKHART	Construction <input type="checkbox"/>	Precip: 0.0 in
Inspected by: R. CONNOLLY, L. BARNHART		Sunrise: 0757 Sunset: 1858
GPS Northing: 4613508.843	Contract Number: R-39851	Anticipated Start Date for Construction: 2/13/2021
Easting: 598352.928	DES 1600517	
UTM Zone: 16		

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: INDIAN CREEK	Station: 350+00 / RP 99+20
Bridge/Culvert number: CV 020-020-099.20	Number of Spans: NA - CULVERT
Type of Structure: <input type="checkbox"/> Concrete box beam <input type="checkbox"/> Steel beam <input type="checkbox"/> Concrete I-beam <input type="checkbox"/> Steel girder <input type="checkbox"/> Concrete bulb tee beam <input type="checkbox"/> Steel pony truss <input type="checkbox"/> Concrete arch <input type="checkbox"/> Welded steel thru girder <input type="checkbox"/> Concrete girder <input type="checkbox"/> Concrete box culvert <input type="checkbox"/> Concrete slab <input type="checkbox"/> Concrete pipe <input type="checkbox"/> Multi-plate arch <input type="checkbox"/> Corrugated steel pipe <input checked="" type="checkbox"/> Other (list): Metal arch	Material: <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Other (describe): Shape: <input type="checkbox"/> Box Culvert <input type="checkbox"/> Pipe <input checked="" type="checkbox"/> Arch <input type="checkbox"/> Slab <input type="checkbox"/> Other (describe)
Searched entire structure? If not, why not? Yes	Location of bats or signs of use (w/drawing and photos): NA
Bats Present? <input type="checkbox"/> Seen? <input type="checkbox"/> Heard? None	
In Clusters? Number of clusters: NA	
Number of bats in largest cluster: NA	
Approximate total number of bats found: NA	
Signs of previous bat use? <input type="checkbox"/> Guano <input type="checkbox"/> Staining NA	

If Bats Present	
Date and Time Project Supervisor was notified:	NA
Name of Project Supervisor notified:	NA

For bridges and culverts, provide plan, longitudinal and cross section views as appropriate.



NA

Richard Connolly

From: Langevin, Toni N <TLangevin@indot.IN.gov>
Sent: Tuesday, June 26, 2018 10:50 AM
To: Richard Connolly
Subject: RE: Des 1600517 US 20 Elkhart County - USFWS Bat Layer Check

Hi Richard,

A review of the USFWS database on June 26, 2018 for Des. No. 1600517 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. Use of the Information for Planning and Consultation (IPaC) database for the Range-Wide Programmatic Information Consultation for Indiana Bat and Northern Long-Eared Bat will be required. If applicable, preparation of the Project Submittal Form for Range-wide Programmatic Consultation for Indiana Bat and Northern Long-Eared Bat will be required.

Thank you,

Toni N. Langevin

Environmental Manager II

5333 Hatfield Road

Fort Wayne, IN 46808

Office: (260) 399-7341 x14341

Email: TLangevin@indot.in.gov



From: Richard Connolly [mailto:rconnolly@HNTB.com]
Sent: Tuesday, June 26, 2018 9:54 AM
To: Langevin, Toni N <TLangevin@indot.IN.gov>
Subject: Des 1600517 US 20 Elkhart County - USFWS Bat Layer Check

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

Toni,
I would like to request a check of the USFWS bat data to determine the presence of any protected bat species in the area of the US 20 Elkhart County Added Travel Lanes project. See attached graphics for location information. Proposed activities include adding two through traffic lanes and a two way left turn lane from SR 15 to CR 35 (approximately 4.2 miles). I have also attached an e-mail regarding previous coordination we have had on this project.

Please let me know if you need any additional information.

Thanks!

Richard J. Connolly, CPESC

Science Project Manager

Environmental Planning

Tel (317) 917-5333 Fax (317) 917-5211

HNTB CORPORATION

111 Monument Circle Suite 1200, Indianapolis, IN 46204 | www.hntb.com



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:

June 26, 2018

Consultation Code: 03E12000-2018-SLI-0902

Event Code: 03E12000-2018-E-04767

Project Name: US 20 - SR 15 to CR 35 (Des 1600517)

Subject: Updated 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: 03E12000-2018-SLI-0902

Event Code: 03E12000-2018-E-04767

Project Name: US 20 - SR 15 to CR 35 (Des 1600517)

Project Type: TRANSPORTATION

Project Description: The project is located in Elkhart County, along U.S. 20 immediately west of Middlebury, Indiana. US 20 between SR 15 and CR 35 will be improved to reduce crashes, reduce congestion, and correct geometric deficiencies through this section. Construction activities will include roadway widening, replacement or extension of existing culverts, riprap installation for scour protection of structures, detention and retention basin installation, temporary cofferdam and pump arounds, and tree clearing for roadway widening and construction equipment access. Temporary lighting may be used during construction.

Construction will begin in 2021 and is anticipated to last two construction seasons.

The project's logical termini along US 20 extend from SR 15 on the west end to approximately 500 feet east CR 35. Logical termini for improvements to the local road system are approximately 500 feet north and south of US 20. Proposed right-of-way limits extend to a maximum of approximately 130 feet south from the existing southern edge of pavement and a maximum of 65 feet from the existing northern edge of pavement.

Six culverts lie within the project area. Two of these culverts are associated with INODT Structure numbers (CV 020-020-099.20 and CV 020-020-103.34), while the remaining four are not associated with INDOT structure number. The structure CV 020-020-099.20, is not anticipated to be affected by the project. Structure CV 020-020-103.34 will likely be extended. The remaining four culverts are likely to be replaced. During the site visit conducted by HNTB Corporation on October 20-21, 2016 and October 17, 2017, no evidence of bats was observed within the project area. No bats were observed in structures within the project area.

During the site visit conducted by HNTB Corporation on October 20-21, 2016 and October 17, 2017, suitable summer habitat was observed in discontinuous deciduous and coniferous wooded areas both north and south of US 20. No evidence of bats was observed within the project area.

No bats were observed in structures within the project area. A review of the USFWS database, summarized in the approved RFI (May 31, 2017), did not indicate the presence of endangered bat species in or within 0.5-mile of the project area.

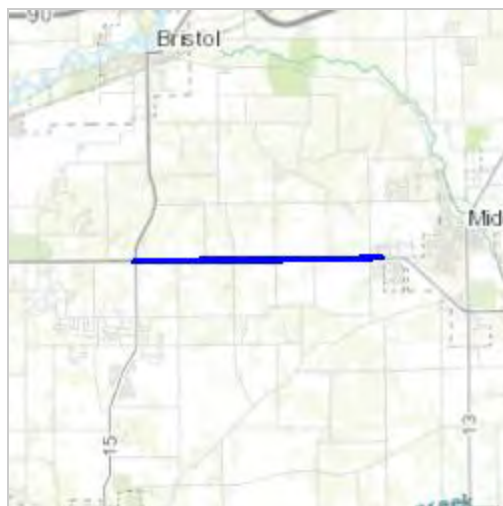
Tree removal will occur during inactive season for bat species, thus avoiding removal between September 30 – April 1). Temporary lighting may be used during construction. Construction will begin in 2021 and is anticipated to last two construction seasons.

Approximately 5.5 acres of trees may need to be removed for road widening and construction access. Of this 5.5 acres 0.70 acre is greater than 100 feet from the edge of pavement.

To mitigate for the projects's potential impacts to the Indiana bat and NLEB, funds will be set aside to purchase credits from the in-lieu program.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.667726745564735N85.77316580137213W>



Counties: Elkhart, IN

Endangered Species Act Species

There is a total of 3 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 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/10043/office/31440.pdf	Threatened

Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2202	Threatened

Critical habitats

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



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>

IPaC Record Locator: 132-12729314

August 06, 2018

Subject: Consistency letter for the 'US 20 Elkhart County Project (Des 1600517) Widening from 2 lanes to 5 lanes' project (TAILS 03E12000-2018-R-0902) 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 dated to verify that the **US 20 Elkhart County Project (Des 1600517) Widening from 2 lanes to 5 lanes** (Proposed Action) may rely on 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 (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, and is likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the 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.

This "may affect - likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative uses it to ask the Service to rely on the PBO to satisfy the agency's consultation requirements for this project. Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, transmittal to this Service Office for verification that the project is consistent with the PBO.

This Service Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days to:

- verify that the Proposed Action is consistent with the scope of actions covered under the PBO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the action proposal;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO, and
- identify anticipated incidental take.

ESA Section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

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 may affect any other federally-listed or proposed species and/or 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 advise the lead Federal action agency for the Proposed Action accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Massasauga (=rattlesnake), *Sistrurus catenatus* (Threatened)

Project Description

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

Name

US 20 Elkhart County Project (Des 1600517) Widening from 2 lanes to 5 lanes

Description

The project is located in Elkhart County, along U.S. 20 immediately west of Middlebury, Indiana. US 20 between SR 15 and CR 35 will be widened from a two lane facility to a five lane facility in order to reduce crashes, reduce congestion, and correct geometric deficiencies through this section. Construction activities will include roadway widening, replacement or extension of existing culverts, riprap installation for scour protection of structures, detention and retention basin installation, temporary cofferdam and pump arounds, and tree clearing for roadway widening and construction equipment access.

The project's logical termini along US 20 extend from SR 15 on the west end to approximately 500 feet east CR 35. Logical termini for improvements to the local road system are approximately 500 feet north and south of US 20. Proposed right-of-way limits extend to a maximum of approximately 130 feet south from the existing southern edge of pavement and a maximum of 65 feet from the existing northern edge of pavement.

Six culverts lie within the project area. Two of these culverts are associated with INODT Structure numbers (CV 020-020-099.20 and CV 020-020-103.34), while the remaining four are not associated with INDOT structure numbers. The structure CV 020-020-099.20, is not anticipated to be affected by the project. Structure CV 020-020-103.34 will likely be extended. The remaining four culverts are likely to be replaced.

During the site visit conducted by HNTB Corporation on October 20-21, 2016 and October 17, 2017, suitable summer habitat was observed in discontinuous deciduous and coniferous wooded areas both north and south of US 20. No evidence of bats was observed within the project area. No bats were observed in structures within the project area. A review of the USFWS database, summarized in the approved RFI (May 31, 2017), did not indicate the presence of endangered bat species in or within 0.5-mile of the project area.

Tree removal will occur during the inactive season for bat species, between September 30 – April 1. Approximately 5.5 acres of trees may need to be removed for road widening and construction access. Of this 5.5 acres, 0.70 acre is between 100 and 300 feet from the edge of pavement. Temporary lighting may be used during construction. Construction will begin in 2022 and is anticipated to last two construction seasons.

In order to mitigate this projects potential impacts to the Indiana bat and NLEB \$12,996 will be set aside to purchase credits from the in lieu program. This amount was determined from the following equation. 0.70 acre of tree clearing between 100 and 300 feet from the edge of pavement X 1.75:1 mitigation ratio X \$10,609 per acre=\$12,996.

Determination Key Result

Based on your answers provided, this project is 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 conclusion and Incidental Take Statement 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 an 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 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

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 the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?

No

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

Yes

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

Yes

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

No

23. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

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

No

25. Does the project include slash pile burning?

No

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

Yes

27. 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

28. 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

- *20171017_020-020-103.34_Inspection Sheet.pdf* <https://ecos.fws.gov/ipac/project/IBBJRKG5QFGQVC55WW76X457KU/projectDocuments/11675197>
- *20171017_020-020-099.20_2_Inspection Sheet.pdf* <https://ecos.fws.gov/ipac/project/IBBJRKG5QFGQVC55WW76X457KU/projectDocuments/11676257>

29. Did the bridge assessment detect *any* signs of bats roosting in/under the bridge (bats, guano, etc.)?

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

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

No

31. 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

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

Yes

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

Yes

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

No

35. 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

36. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge or structure removal, replacement, and/or maintenance, lighting, or use of percussives, limited to actions that DO NOT cause any stressors to the bat species, including as described in the BA/BO (i.e. activities that do not involve ground disturbance, percussive noise, temporary or permanent lighting, tree removal/trimming, nor bridge/structure activities)?

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

Yes

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

No

38. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge removal, replacement, and/or maintenance, structure removal, replacement, and/or maintenance, and lighting, consistent with a No Effect determination in this key?

Automatically answered

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

39. 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 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

40. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs during the winter is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors

41. 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 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

42. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs during the winter is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors

43. 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

44. **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

45. **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

46. **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

47. **Lighting AMM 1**

Will *all* **temporary** lighting used during the removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be directed away from suitable habitat during the active season?

Yes

48. **Lighting AMM 1**

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

Yes

49. For Indiana bat, if applicable, compensatory mitigation measures are required to offset adverse effects on the species (see Section 2.10 of the BA). Please select the mechanism in which compensatory mitigation will be implemented:

1. Range-wide In Lieu Fee Program, The Conservation Fund

Project Questionnaire

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

Yes

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

No

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.

5.5

4. **Please verify:**

All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

5. Is the project location 0-100 feet from the edge of existing road/rail surface?

Yes

6. Is the project location 100-300 feet from the edge of existing road/rail surface?

Yes

7. **Please verify:**

No documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31.

Yes, I verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted during this period.

8. **Please verify:**

No documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Yes, I verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted during this period.

9. Please describe the proposed bridge work:

Proposed bridge work includes extending the and existing culvert to accommodate a five lane section.

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

This bridge work may take place from March 2022 through September 2024.

11. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *General AMM 1*
- *Lighting AMM 1*
- *Tree Removal AMM 1*
- *Tree Removal AMM 3*

Avoidance And Minimization Measures (AMMs)

These measures **were accepted** as part of this determination key result:

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 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).

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

This key was last updated in IPaC on March 16, 2018. 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 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 Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

August 16, 2018

Michelle Allen
Federal Highway Administration
575 N. Pennsylvania St. Room 254
Indianapolis, Indiana 46204

TAILS: 03E12000-2018-SLI-0902

RE: US 20 Elkhart Co Widening 2 lanes to 5 lanes, **Des. 1600517**

Dear Ms. Allen:

The U.S. Fish and Wildlife Service (Service) is responding to your request dated August 6, 2018 to verify that the proposed US 20 Widening Project, (the Project) may rely on the December 15, 2016, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed endangered Indiana bat (*Myotis sodalis*) and/or federally listed threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated LAA Consistency Letter on August 8, 2018.

This letter provides the Service's response as to whether the Federal Highway Administration may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the Project's effects to the Indiana bat and/or NLEB. This letter also responds to your request for Service concurrence that the Project may affect, but is not likely to adversely affect (NLAA) ESA-listed species and/or designated critical habitats other than the Indiana bat and NLEB.

The Federal Highway Administration has determined that the Project is *likely to adversely affect* the Indiana bat and/or the NLEB.

The Service concurs with this determination. This concurrence concludes your ESA Section 7 responsibilities relative to these species for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the Federal Highway Administration's commitment to implement any applicable mitigation measures as indicated on the LAA Consistency Letter. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the Indiana bat and/or the NLEB. In coordination with

your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Indiana Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of Indiana bats. As described in the Incidental Take Statement (ITS) of the BO, such taking will be difficult to detect. The Service determined that it is appropriate to measure the amount or extent of incidental taking resulting from BO projects using the proposed acreage of tree removal from Indiana bat suitable habitat as a surrogate for the numbers of individuals taken.

The proposed Project will remove 5.5 acres of trees from habitat that is suitable for the Indiana bat. All tree removal will occur in winter and comply with all other conservation measures in the BO. Based on the BO, 4.8 acres of the removal are not anticipated to result in any adverse effects, and 0.70 acres (those between 100-300 feet) are anticipated to result in adverse effects.

The Federal Highway Administration used the mitigation ratio of 1.75 from Table 3 of the BO to calculate the compensatory mitigation required to offset these adverse impacts for a total of **1.225 acres**¹ of trees that is suitable for the Indiana bat.

Using the information provided in Table 2 of Exhibit E in The Conservation Fund's (TCF) In Lieu Fee (ILF) Instrument² and the mitigation identified above, the Federal Highway Administration will contribute **\$12,996.03** to TCF to comply with the mitigation requirements of the program of transportation projects reviewed in the BO. These calculations are based on the 2017/2018 Land Use Values in Table 2 of Exhibit E in TCF's ILF Instrument, which are applicable even if the project construction should occur in a different calendar year.

If a conservation bank or ILF option is chosen to compensate for adverse effects on Indiana bats, the purchase of species conservation credits and/or in-lieu fee contributions shall occur prior to construction of a transportation project covered under this programmatic consultation. Exceptions to this program stipulation include emergency projects that do not require a letting prior to construction. In these cases, purchase of credits and/or in-lieu fee contributions shall occur within three months of completion of the project. This timeframe allows for measuring the acres of habitat affected by the emergency project and for financial processing.

In addition, the Project may take up to 5 Indiana bats that were not detected during bridge/culvert bat assessments conducted prior to implementing the proposed work on the structure under the westbound on-ramp. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service (refer to User Guide Appendix E - Post Assessment Discovery of Bats at Bridge/Structure Form).

1 XX acres * XX ratio

2 https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/ILF_ExhibitsBthruI_INBA.pdf
https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/ILF_ExhibitsBthruI_INBA.pdf

Although such take is reasonably certain to occur at up to 10 bridge projects per year as included in the scope of the BO, it is a remote possibility for any individual project that is implemented consistent with the conservation measures of the BO.

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of Indiana bat incidental take and exempted from the prohibitions of Section 9 of the ESA. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the Federal Transportation Agencies to ensure that State/Local transportation agencies, who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA section 7 compliance using the BO. The implementing terms and conditions for this RPM require the Federal Transportation Agencies to offer training to appropriate personnel about using the BO, and promptly report sick, injured, or dead bats (regardless of species) or any other federally listed species located in project action areas.

Northern Long-eared Bat

The Service anticipates that tree removal associated with the Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the incidental take of NLEBs resulting from the Project does not require exemption from the Service.

Reporting Dead or Injured Bats

The Federal Highway Administration, its State/Local cooperators, and any contractors must take care when handling dead or injured Indiana bats and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Federal Highway Administration's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of Indiana bat is exceeded;

2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO or in the Project information that supported Service concurrence with NLAA determinations;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO or in the Project information that supported Service concurrence with NLAA determinations; or
4. a new species is listed or critical habitat designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes trees from more than **0.70** acre(s) of habitat suitable for the Indiana bat between 100-300 feet from edge of pavement; or
- the Project takes more than 5 Indiana bats resulting from work on the culvert.

In instances where the amount or extent of incidental take is exceeded, the Federal Highway Administration is required to immediately request a reinitiation of this Project-level consultation.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Robin McWilliams Munson at 812-334-4261 x. 207 or robin_mcwilliams@fws.gov.

Sincerely,

SCOTT
PRUITT

Digitally signed by SCOTT
PRUITT
Date: 2018.08.16 15:35:55
-04'00'

Scott Pruitt
Field Office Supervisor

Cc (via email):

Laura Hilden, INDOT, Indianapolis, IN

Rich Connolly, HNTB, Indianapolis, IN

Liz McCloskey, USFWS, Northern Indiana Field Office, Chesterton, IN

Ibat ILF coordinator – to be sent at later date

Purpose: Preliminary Field Check Meeting
INDOT DES NO. 1600517
US 20 From SR 15 to CR 35

Meeting Date: March 27, 2018

Meeting Location: Middlebury Town Hall

Work Type: Auxiliary Lanes & Two-way Left Turn Lane

Route: US 20

Des No.: 1600517

Contract No.: R 39851

Bridge File: N/A

Over: N/A

Location: US 20 From SR 15 to CR 35, Elkhart County, IN

Topics to discuss:

- 1) Sign-in sheet
- 2) Introductions – Names and Project roles
- 3) Project Overview
 - a. Mark Young described the project to date including the purpose and need, current design status of design, and general time line.
- 4) Construction Schedule
 - a. Mark noted construction is currently scheduled to begin in Spring of 2021, but that could change dependent on available funding.
- 5) Maintenance of Traffic
 - a. Maintenance of traffic will be completed primarily in two phases. Phase 1 to include construction to the south, largely not affecting traffic on existing alignment. Phase 2 to include the construction of the north half while shifting traffic to the previously constructed south half. Requirements for maintaining traffic include maintaining buggy access throughout the project and not closing consecutive CR crossings.
- 6) Utility Concerns/Requests
 - a. Frontier Communications. Frontier has a fiber optic cable located between their small building located on CR 35 and the cell tower located on the south side of US 20. It was noted the fiber line is buried and is likely in conflict with construction. The fiber line is

not located in an easement. The building on CR 35 is in an easement. Further coordination is required to determine whether the building conflicts with construction and effort will be made to avoid if possible.

- b. NIPSCO Electric has aerial and some buried facilities throughout the project. There will be numerous conflicts between the existing facilities and construction. Lines are not in dedicated easements.
- c. NIPSCO Gas has transmission and distribution lines on the project. Gas transmission line is a 6" high pressure line North of US 20 with smaller lines serving properties south of US 20. The line is likely not in conflict for most of the length, however we do anticipate some conflicts at detention sites and at CR approaches. Some gas distribution lines are not currently represented on the plans. Coordination will be ongoing between HNTB and NIPSCO to ensure all facilities are shown on plans. NIPSCO and all utilities to be given a copy of the final geotechnical report.
- d. AT&T / Level 3 are in a shared trench through the limits of the project. They are primarily located on the north side of US 20, and they will likely not be in conflict for most of the project. There will likely be some conflicts with detention and CR approaches. AT&T and Level 3 representatives provided location of splice points / handholes throughout the project on aerial maps. HNTB will consider these locations to minimize impacts to utility. Dean Norwich asked INDOT if another project is being planned to continue widening through Middlebury. INDOT stated at this time there was nothing planned, but further evaluation may be necessary.
- e. US Signal is currently located on NIPSCO electric overhead poles. Majority of facilities are in conflict and close coordination with NIPSCO will be required.
- f. Town of Middlebury has a 10" water main between CR 35 and Westlake Dr. Middlebury does not seem to think the line will be in conflict. Middlebury noted the Hilltop restaurant has a private force main that was not located by 811 but crosses US 20 diagonally. Middlebury will try locating the force main.

7) Town of Middlebury Concerns/Requests

- a. Middlebury has identified potential development west of town on US 20 corridor. Middlebury would like to use this construction to develop infrastructure (water and sewer). HNTB will coordinate with Middlebury to understand betterment relating to

utility coordination. Mark noted any coordination with the project would need to begin immediately based on the schedule for getting right of way plans developed by June of this year.

8) Elkhart County Concerns/Requests

- a. Elkhart county was not represented at the meeting.

9) INDOT/FHWA Concerns/Requests

- a. INDOT traffic noted a pending signal project at US 35 for 2019.
- b. INDOT environmental asked who is identifying and who is designing mitigation sites for this project. HNTB has been investigating mitigation areas and additional discussion is required for this project.

10) Action Items Summary

- a. HNTB and NIPSCO to coordinate to get all gas lines shown on plan set.
- b. HNTB to provide utility companies with final Geotech report upon approval of document.
- c. HNTB to provide utility companies with SUE data once received.

11) Project walk-through

From: Mae Kratzer
To: [Richard Connolly](#)
Subject: RE: U.S. 20 – SR 15 to CR 35 Elkhart County Update
Date: Tuesday, March 19, 2019 12:51:13 PM
Attachments: [image002.png](#)

Richard,

After reviewing your email and attached documents I have a few comments. First, would it be possible to review the Waters Report and U.S. Army Corps of Engineers' Jurisdictional Determination referred to at the end of the email? Second, there is not much if any floodplain along the proposed project just note that if the project does disturb a floodplain area permits will need to be issued with INDNR.

Thanks!

From: Richard Connolly [mailto:rconnolly@HNTB.com]
Sent: Tuesday, March 19, 2019 10:09 AM
To: Mae Kratzer
Subject: U.S. 20 – SR 15 to CR 35 Elkhart County Update

Ms. Kratzer,

As discussed on the phone. Below is the information on the project. Please reply with any questions or concerns you have on the project.

The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with a roadway project to add two travel lanes and a two-way-left-turn lane to U.S. 20 in Elkhart County, Indiana. This letter serves as an **update regarding the proposed project** and coordination of the environmental review process. Since the initial Early Coordination Letter was distributed, the project team has identified two, five-lane alternatives. We request comments from you within your area of expertise regarding any potential environmental or community effects associated with this proposed 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 effects.

Project Location: The project area encompasses approximately 134 acres in a rural, unincorporated portion of Elkhart County between Elkhart and Middlebury, Indiana. The project area lies within Section 10 and 15, Township 37 North, Range 6 East on the United States Geological Survey (USGS) 7.5 Minute Bristol Quadrangle and Sections 7, 8, 17, and 18, Township 37 North, Range 7 East on the USGS 7.5 Minute Bristol and Middlebury Quadrangle.

Existing Conditions: U.S. 20 between SR 15 and CR 35 is currently a two-lane undivided highway, functionally classified as a Rural Minor Arterial. Within the project area, U.S. 20 comprises two travel lanes (each approximately 12-foot wide) and two paved shoulders (each approximately 6-foot wide), with no left turn lanes. Six culverts lie within the project area, none of which are eligible for inclusion on the National Register of Historic Places. There are no existing railroads or sidewalks within the project area.

Purpose and Need: The purpose of the project includes improving safety, reducing congestion, and correcting geometric deficiencies through the corridor. The needs for this project are safety concerns based on the high crash frequency through this section, current and projected traffic volume and causing unacceptable traffic delays, and existing geometric deficiencies of roadway.