

Lead Des 1800082

Appendix C

**Early Coordination
Hazardous Materials Coordination
IPaC Bat Coordination**



100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

Sample Early Coordination Letter

June 29, 2021

RE: Des. No. 1800082, 2001610, 1800272 – US 31 Corridor Improvement, Bridge, and Small Structure Project, City of Franklin, Johnson County, Indiana.

Environmental Reviewer,

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA) intend to proceed with a Corridor Improvement, Bridge, and Small Structure project on US 31 in the City of Franklin in Johnson County, Indiana. The project is located within Pleasant and Franklin Townships, the Greenwood and Franklin USGS Topographic Quadrangles, Sections 3, 11, 12, 14, 23, 27, 28, and 34, Township 12 North, Range 4 East. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible effects associated with this project. **Please use the above designation number (Des. No.) and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

The proposed project is on US 31 beginning approximately 1.05 miles south of SR 44/SR 144 and extending north to Israel Lane, approximately 4.35 miles north of SR 44/SR 144. The total length of the project is approximately 5.59 miles. The project will address intersection congestion and will improve non-motorized and pedestrian infrastructure throughout the corridor. The need for the project arises from high volumes of traffic and left-turns throughout the corridor during peak rush hours resulting in a high number of collisions and six (6) out of 34 intersections currently having a level of service (LOS) of E or F, indicating traffic operation at or above capacity. Between 2014 and 2016, rear-end collisions made up roughly half of the total crashes with an average of one (1) rear end occurring every three (3) days. The need for improved non-motorized transportation and pedestrian access arises due to limited amounts of existing infrastructure throughout the corridor and to meet the City of Franklin's goal of improving and expanding its sidewalk and recreational trail system.

This project will occur under three (3) Designation Numbers (Des. No.): 1800082 (Lead Des. No.), 2001610, and 1800272. The corridor improvement work will occur under the Lead Des. No. 1800082 and will make modifications to intersections and signal patterns at all intersections within the project corridor and will add curbs and gutters throughout the corridor. The current recommended plan is to use a combination of median U-turn, green T, J-turn, restricted crossing U-turn, and boulevard left intersection styles throughout the corridor. A table detailing the work planned for each intersection and any modifications to the existing traffic patterns is included with this packet. Improvements to non-motorized transportation access will occur by updating and extending existing sidewalks, installing 10-foot-wide paved trails parallel to both sides of US 31, and installing pedestrian crossing infrastructure at some intersections. Upgrades to existing drainage and storm sewer structures will occur throughout the project. This work was formerly programmed under three (3) Des. No. (1800081, 1800082, and 1800083), but has since been consolidated into Des. No. 1800082.

Des. No. 2001610 will rehabilitate the bridge carrying US 31 over Youngs Creek (Structure 031-41-07875 NBL & SBL), located approximately 0.15 mile south of SR 44, in order to accommodate the proposed pedestrian paths crossing the structure. The existing structure is a 3-span prestressed concrete continuous multi-beam bridge with a total length of 143 feet and an out-to-out deck width of 86.2 feet. Des. No. 1800272 intends to replace the culvert carrying Canary Ditch under US 31 (CV 031-41-03534), located approximately 1.30 mile north of SR 44. The existing structure is a concrete arch with wingwalls and has a height of approximately 16 feet, a width of 25 feet, and a length of 134.7 feet. The replacement structure is anticipated to be a 3-sided concrete structure with a height of approximately 16 feet, a width of approximately 26 feet, and a length of approximately 164 feet. Wingwalls with a width of 20 feet and riprap are planned to be placed in each quadrant of the structure.

It is anticipated that 3.3 acres of new permanent right-of-way and 10.3 acres of temporary right-of-way will be required to complete this project. No relocations of residents or businesses will occur, but several drives into and out of adjacent businesses will be either removed or relocated in order to accommodate the modifications planned for the intersections in the project area. Access to all business and residential areas will be maintained during construction. A detour utilizing I-65

and CR 500 N will be required for through traffic, but the project area will remain open to local traffic. The project will occur in four (4) phases. During each phase, all traffic will be moved to the inside or outside lanes while the adjacent lane is constructed. Roadway approaches at US 31 will be closed based on available access to properties from other streets. The maintenance of traffic (MOT) plan will continue to be developed as project plans progress. It is expected that the temporary access measures due to construction will last approximately two (2) years.

Due to the potential impact to water resources, a Waters of the U.S. Report has been prepared and coordination with INDOT ESD Ecology and Waterway Permitting will continue. The project qualifies for the application of the USFWS range-wide programmatic informal consultation for the Indiana Bat and Northern Long-Eared Bat, and project information will be provided to the USFWS for review separately. SJCA Inc. will investigate the site for archaeological and historic resources for compliance with Section 106 and will send findings to INDOT Cultural Resources staff and the State Historic Preservation Officer (SHPO).

Information specific to your agency's area of expertise concerning the effects of the project should be forwarded to Victoria Veach, SJCA Inc. by email at vveach@sjcainc.com, or at 9102 N. Meridian Street, Suite 200, Indianapolis, IN 46260. If you have any questions or comments regarding this request, please contact me at (317) 566-0629 or the above email. The INDOT Project Manager, Terry Summers, may also be contacted at tsummers@indot.in.gov. Your response is requested within 30 days. We will incorporate your comments into a study of the project's environmental impacts. **Should we not receive a response within 30 calendar days from the date of this letter**, it will be assumed that your agency feels there will be no adverse effects incurred as a result of the proposed project.

Thank you for your assistance.

Sincerely,

Victoria Veach
Ecologist
SJCA Inc.

The ROW amounts reported in this letter were preliminary and have since been updated. This project will acquire 6.8 acres of permanent ROW and 6.37 acre of temporary ROW.

The project area maps, project area photographs, and the table detailing the modifications planned for each intersection have been removed to avoid duplication. Please see Appendix B for project area maps and photos. Please see Appendix E16-E20 for the table detailing intersection modifications.

Attachments:

- Early Coordination Recipient List
- Project Area Maps (Location, Topographic, Aerial)
- Project Area Photographs
- Table detailing modifications planned for each intersection in project area

US 31 Intersection Improvement, Bridge Rehabilitation, Culvert Replacement Project
Des. No. 1800082, 2001610, 1800272
Early Coordination Notice sent to the Following Agencies:

Federal Highway Administration
Seymore District, Erica Trait
Erica.Tait@dot.gov

Indiana Geological and Water Survey
(Online Submission)
<https://igws.indiana.edu/eAssessment>

Environmental Coordinator
IDNR Division of Fish and Wildlife
environmentalreview@dnr.in.gov

IDEM
(Online Submission)
<https://www.in.gov/idem/5283.htm>

Regional Environmental Coordinator
Midwest Regional Office
National Park Service
mwro_compliance@nps.gov

IDEM Groundwater Section
Chief, Alisha Turnbow
aturnbow@idem.in.gov

Field Environmental Officer
Chicago Regional Office
U.S. Department of Housing & Urban Development
Melanie.H.Castillo@hud.gov

INDOT Environmental Section
Seymour District, David Dye
DDye@indot.in.gov

INDOT Project Manager, Terry Summers
TSummers@indot.in.gov

Field Supervisor
U.S. Fish and Wildlife Service
Bloomington Indiana Field Office
Robin_Mcwilliams@fws.gov

INDOT Office of Aviation
jcourtade@indot.in.gov

INDOT Utilities and Railroad
Utility Administrator, William Plant
wplant@indot.in.gov

Natural Resources Conservation Service (NRCS)
State Conservationist, Rick Neilson
Rick.Neilson@in.usda.gov

Indianapolis Metropolitan Planning Organization
Executive Director, Anna Gremling
anna.gremling@indympo.org
Director of Transportation Planning, Sean Northup
sean.northup@indympo.org

Ms. Deborah Snyder
U.S. Army Corps of Engineers
Louisville District, Indianapolis Regulatory Office
RegulatoryApplicationsLRL@usace.army.mil

US Coast Guard (CG)
Commander, Eighth CG District
eric.washburn@uscg.mil

Johnson County Planning & Zoning Department
Director of Planning & Zoning, Michelle Hansard
planning@co.johnson.in.us

Johnson County Surveyor
Greg Cantwell
gcantwell@co.johnson.in.us

Johnson County Highway Department
Director, Luke Mastin
lmastin@co.johnson.in.us

Johnson County Floodplain Administrator
Richard Hoover
rhuover@co.johnson.in.us

Johnson County Soil and Water Conservation District
Director, Kathy Haste
kathy-haste@iaswcd.org

Johnson County Commissioners
District 1, Brian Baird, Chairman (2021)
bbaird@co.johnson.in.us
District 2, Kevin Walls
kwalls@co.johnson.in.us
District 3, Ron West
rwest@co.johnson.in.us

Johnson County Council
District 2, Rob Henderson
robhenderson317@gmail.com

Johnson County Health Department
Public Health Department Director,
Elizabeth Swearingen
eswearingen@co.johnson.in.us

Johnson County Emergency Management
Emergency Management Agency Director
Stephanie Sighting
ssighting@co.johnson.in.us

Johnson Memorial Hospital
Facilities Director, Kenneth Gordon
kgordon@johnsonmemorial.org

Johnson County Fair
Board President, Brian Young
brianyoung@macallister.com

Mayor's Office, City of Franklin
Mayor, Steve Barnett
mayor@franklin.in.gov

City of Franklin Planning Commission
Senior Planner, Joanna Myers
jmyers@franklin.in.gov

City of Franklin Street Department
Street Commissioner, Brett Jones
bjones@franklin.in.gov

City of Franklin, Parks and Recreation
Director, Chip Orner
play@franklin.in.gov

City of Franklin Floodplain Administrator
Johanna Myers
jmyers@franklin.in.gov

City of Franklin MS4 Coordinator
Tyler Urban
turban@franklin.in.gov

City of Franklin Council
Ward 1, Daniel Blankenship
dblankenship@franklin.in.gov
Ward 2, Anne McGuinness
amcguinness@franklin.in.gov
Ward 3, Lisa Jones
ljones@franklin.in.gov
Ward 4, Kenneth Austin
kaustin@franklin.in.gov
Ward 5, Chris Rynerson
crynerson@franklin.in.gov
At Large, Shawn Taylor
staylor@franklin.in.gov

At Large, Bob Heuchan
bheuchan@franklin.in.gov

Franklin Community Schools
RE: Northwood Elementary School & Franklin
Middle School
Transportation Director, Doug Dickinson
dickinsond@franklinschools.org

Earlywood Educational Services
Director, Angie Balsley
abalsley@earlywood.org
Assistant Director, Stephanie Lawless
slawless@earlywood.org

Franklin Head Start
Regional Director, Aimee Nichalson
Local Administrator, Cassie Hawkins
anichalson@hsi-headstart.com
chawkins@hsi-headstart.com

Turning Point Church
office@gotothepoint.org

Whiteland Water Works
Superintendent, James Lowhorn
watersupt@whitelandin.us

IDEM Office of Land Quality
Project Manager, Ken Coad
kcoad@ifa.in.gov

Evolution Autos
Owner, Hisham Alkhatib
hisham.alkhatib@icloud.com

First Financial Bank Service Center
Lead Civil Engineer, Chris Hinkle
chris@redbarnengineeringco.com

KYB Manufacturing
Facilities Manager, Ed Scott
ed.scott@kyb.com

McAlister's Franklin
Franchise Owner, David Blackburn
Phone Call, 615-202-5040

Buffalo Wild Wings
Director of Construction, Tom Donnelly
Phone Call, 502-639-7872

Freddy's Frozen Custard & Steakhburgers
Former Franchise and Real Estate Owner, Tim
Rohrer
Phone Call, 812-343-1505

Dear Meadows Section Four
Pyatt Builders, Paul Claire
paul@pyattbuilders.com

South Main Street Improvements, Des 1600655
Lead Designer, Mark Beck
mbeck@crossroadengineers.com

Victoria Veach

From: McWilliams, Robin <robin_mcwilliams@fws.gov>
Sent: Wednesday, July 21, 2021 1:18 PM
To: Victoria Veach
Subject: Re: [EXTERNAL] Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

Dear Victoria,

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

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

The project is within the range of the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) and should follow the new Indiana bat/northern long-eared bat programmatic consultation process, if applicable (*i.e.* a federal transportation nexus is established). The Service has 14 days after a “Not Likely to Adversely Affect” determination letter is generated to review the project and provide additional comments or request additional information; if you do not receive a response from us within 14 days, we have no additional comments.

Wetland and stream impacts may require permits from the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management’s Water Quality Certification program, and the Indiana Department of Natural Resources. Wetland impacts should be avoided, and any unavoidable impacts should be compensated for in accordance with agency mitigation guidelines.

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

We appreciate the opportunity to comment at this early stage of project planning. If you have any questions about our recommendations, please contact me at robin_mcwilliams@fws.gov or you may call 812-334-4261 x. 207.

Sincerely,
Robin McWilliams Munson

Standard Recommendations:

1. Do not clear trees or understory vegetation outside the construction zone boundaries. **(This restriction is not related to the “tree clearing” restriction for potential Indiana Bat habitat.)**

2. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap. Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottom culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community.
3. Restrict channel work and vegetation clearing to the minimum necessary for installation of the stream crossing structure.
4. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.
5. Implement temporary erosion and sediment control methods within areas of disturbed soil. All disturbed soil areas upon project completion will be vegetated following INDOT's standard specifications.
6. Avoid all work within the inundated part of the stream channel (in perennial streams and larger intermittent streams) during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below Ordinary High-Water Mark during this time unless the machinery is within the caissons or on the cofferdams.
7. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing

Robin McWilliams Munson
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 46142
812-334-4261

Mon-Tues 8-3:30p
Wed-Thurs 8:30-3p Telework

From: Victoria Veach <vveach@sjcainc.com>
Sent: Tuesday, June 29, 2021 5:49 PM
To: McWilliams, Robin <robin_mcwilliams@fws.gov>
Subject: [EXTERNAL] Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

Please find attached a packet of information detailing a project planned for US 31 in the City of Franklin, Johnson County, Indiana. Please respond within 30 days with any questions, comments, or concerns you may have.

Thank you,

March 22, 2022

Victoria Veach
SJCA
1028 Virginia Avenue, Suite 201
Indianapolis, Indiana 46203

Dear Ms. Veach:

The proposed project to proceed with the corridor improvements, bridge, and small structure project on U.S. 31 in the City of Franklin, Johnson County, Indiana, (Des. No. 18000082) as referred to in your letters received March 9, 2022, will cause a conversion of prime farmland.

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

If you need additional information, please contact John Allen at 317-295-5859 or john.allen@usda.gov.

Sincerely,

JOHN ALLEN Digitally signed by JOHN ALLEN
Date: 2022.03.23 06:35:36 -04'00'

JOHN ALLEN
Acting State Soil Scientist

Enclosures

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project DES1800082_2001610_1800272_US31		Federal Agency Involved FHWA			
Proposed Land Use Transportation		County and State Johnson County, Indiana			
PART II (To be completed by NRCS)		Date Request Received By NRCS 3/9/22		Person Completing Form: JRA	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		Acres Irrigated	
				Average Farm Size 220 ac	
Major Crop(s) Corn		Farmable Land In Govt. Jurisdiction Acres: 149468 % 72		Amount of Farmland As Defined in FPPA Acres: 147843% 72	
Name of Land Evaluation System Used LESA		Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS 3/22/22	
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		XXX			
B. Total Acres To Be Converted Indirectly		XXX			
C. Total Acres In Site		XXX			
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		1.37			
B. Total Acres Statewide Important or Local Important Farmland		0.00			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		<0.001			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		60			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		86			
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)	7		
2. Perimeter In Non-urban Use		(10)	1		
3. Percent Of Site Being Farmed		(20)	0		
4. Protection Provided By State and Local Government		(20)	0		
5. Distance From Urban Built-up Area		(15)	0		
6. Distance To Urban Support Services		(15)	0		
7. Size Of Present Farm Unit Compared To Average		(10)	0		
8. Creation Of Non-farmable Farmland		(10)	0		
9. Availability Of Farm Support Services		(5)	5		
10. On-Farm Investments		(20)	0		
11. Effects Of Conversion On Farm Support Services		(10)	0		
12. Compatibility With Existing Agricultural Use		(10)	0		
TOTAL SITE ASSESSMENT POINTS		160	13	0	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	86	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	13	0	0
TOTAL POINTS (Total of above 2 lines)		260	99	0	0
Site Selected:		Date Of Selection 3.24.2022		Was A Local Site Assessment Used?	
				YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

(See Instructions on reverse side)



Organization and Project Information

Project ID:

Des. ID: Des 1800082, 2001610, 1800272

Project Title: US 31 Corridor Improvement, Bridge, Culvert Project

Name of Organization: SJCA Inc.

Requested by: Victoria Veach

Environmental Assessment Report

1. Geological Hazards:

- High liquefaction potential
- Floodway

2. Mineral Resources:

- Bedrock Resource: Moderate Potential
- Sand and Gravel Resource: High Potential

3. Active or abandoned mineral resources extraction sites:

- Petroleum Exploration Wells

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

DISCLAIMER:

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

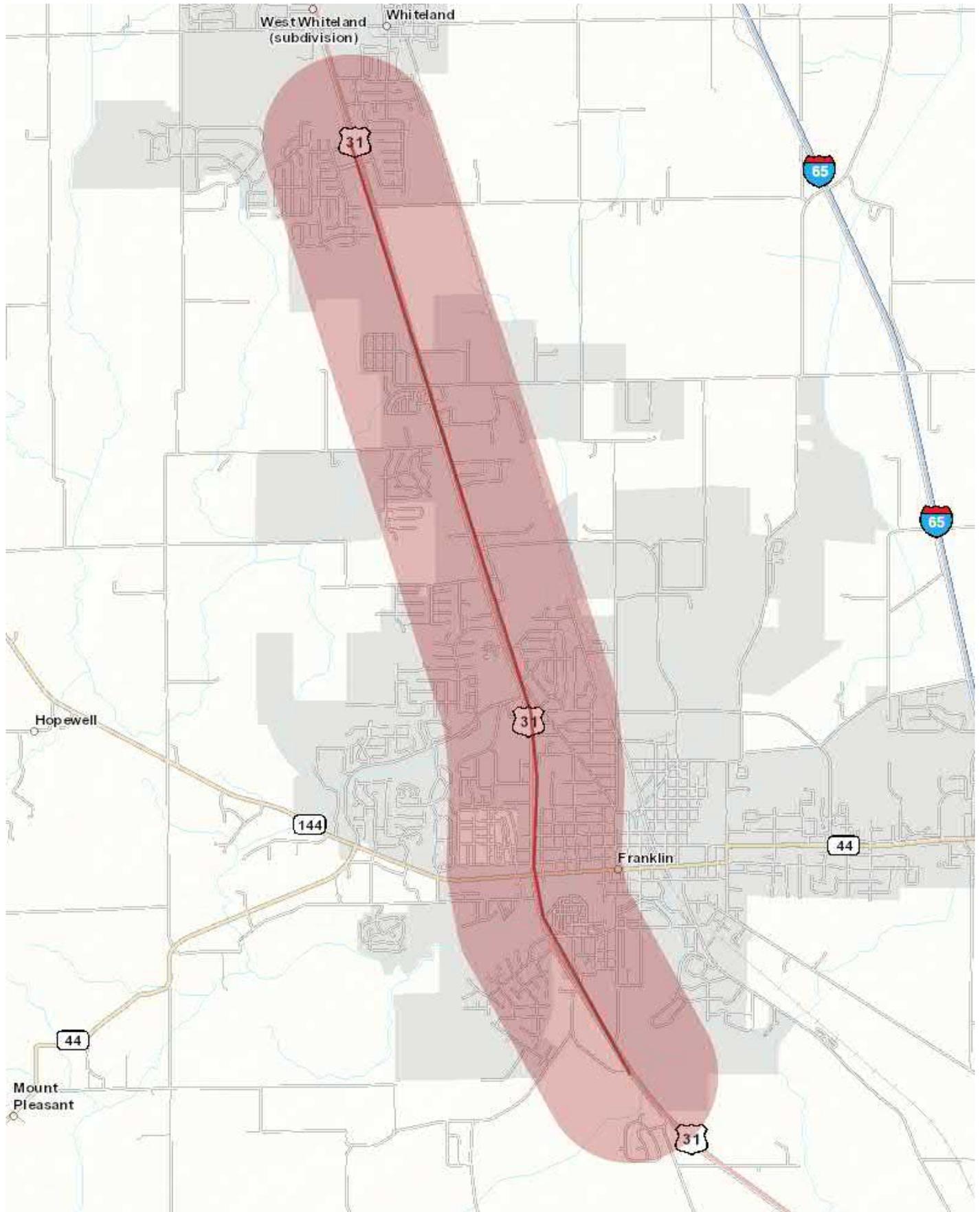
This information was furnished by Indiana Geological Survey

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

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: June 29, 2021



Metadata:

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

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

DNR #: ER-23847

Request Received: June 29, 2021

Requestor: SJCA Inc
Victoria Veach
1104 Prospect Street
Indianapolis, IN 46203

Project: US 31 corridor improvements, bridge rehabilitation over Youngs Creek, and small structure replacement over Canary Ditch, from about 1.05 miles south of SR 44/SR 144 to Israel Lane, City of Franklin; Lead Des #1800082, Des #2001610 & 1800272

County/Site info: Johnson

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 may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile, unless it qualifies for a bridge exemption (see enclosure) or qualifies under the INDOT and IDNR Memorandum of Understanding for Maintenance Activity Exemption, dated March 1997. Please include a copy of this letter with the permit application, if required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

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) Crossing Structures:

For purposes of maintaining fish and wildlife passage through a crossing structure, the Environmental Unit recommends bridges rather than culverts and bottomless culverts rather than box or pipe culverts. Wide culverts are better than narrow culverts, and culverts with shorter through lengths are better than culverts with longer through lengths. If box or pipe culverts are used, the bottoms should be buried a minimum of 6" (or 20% of the culvert height/pipe diameter, whichever is greater up to a maximum of 2') below the stream bed elevation to allow a natural streambed to form within or under the crossing structure. Crossings should: span the entire channel width (a minimum of 1.2 times the OHWM width); maintain the natural stream substrate within the structure; and have stream depth, channel width, and water velocities during low-flow conditions that are approximate to those in the natural stream channel. Banklines should be restored within box and pipe structures to allow for wildlife passage above the ordinary highwater mark.

The new, replacement, or rehabbed structure, and any bank stabilization under the structure, should not create conditions that are less favorable for wildlife passage under

Attachments: A - Bridge Exemption Criteria

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

the structure compared to the current conditions. When determining an appropriate bridge or culvert size, consider whether or not wildlife/vehicle collisions are a concern at the crossing site. If feasible, a larger bridge or culvert opening can allow for the movement of wildlife under the roadway in order to minimize wildlife/vehicle collisions.

2) Bank Stabilization:

Establishing vegetation along the banks is critical for stabilization and erosion control. In addition to vegetation, some other form of bank stabilization may be needed. While hard armoring alone (e.g. riprap or glacial stone) may be needed in certain instances, soft armoring and bioengineering techniques should be considered first. In many instances, one or more methods are necessary to increase the likelihood of vegetation establishment. Combining vegetation with most bank stabilization methods can provide additional bank protection and help reduce impacts upon fish and wildlife. Information about bioengineering techniques can be found at <http://www.in.gov/legislative/iac/20120404-IR-312120154NRA.xml.pdf>. Also, the following is a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization: <http://directives.sc.egov.usda.gov/17553.wba>.

Riprap must not be placed in the active thalweg channel or placed in the streambed in a manner that precludes fish or aquatic organism passage (riprap must not be placed above the existing streambed elevation). Riprap may be used only at the toe of the sideslopes up to the ordinary high water mark (OHWM). The banks above the OHWM must be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.

3) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Habitat Mitigation Guidelines (and plant lists) can be found online at: <http://iac.iga.in.gov/iac/20200527-IR-312200284NRA.xml.pdf>.

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

4) Stream/Wetland Habitat:

For any stream and/or wetland impacts, you may need to contact the Indiana Department of Environmental Management (IDEM) 401 program and the US Army Corps of Engineers (USACE) 404 program.

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

1. Revegetate all bare and disturbed areas that will not be mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central Indiana and specifically

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

- for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in regularly mowed areas only.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
 3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
 4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
 5. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.
 6. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
 7. Operate equipment used to replace the bridge from the existing roadway.
 8. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
 9. Do not use broken concrete as riprap.
 10. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
 11. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
 12. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
 13. Do not excavate or place fill in any riparian wetland.

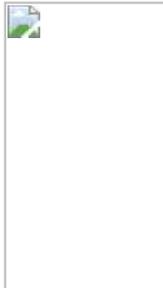
Contact Staff:

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

Date: July 29, 2021

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



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

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

INDOT Seymour District

185 Agrico Lane
Seymour , IN IN
Date

SJCA Inc.

Victoria Veach
9102 N Meridian St
Indianapolis , IN 46260

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: This is a Corridor Improvement, Bridge, and Culvert Project planned for US 31 in the City of Franklin. The project is 5.59 miles in length and will stretch from CR 80 S to Israel Lane. The Corridor Improvement (Des 1800082) will make modifications to intersections and signal patterns at all intersections within the project corridor and will construct 10-ft wide paved trails parallel to both sides of US 31. The bridge project (Des 2001610) will widen the existing structure to accommodate the planned trails. The culvert project (Des 1800272) intends to replace the existing structure.

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:
 - o IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - o IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - o IC 14-28-1 Flood Control Act 310 IAC 6-1
 - o IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - o IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
 - o 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.

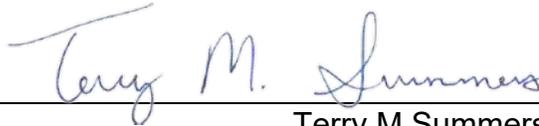
Project Description

This is a Corridor Improvement, Bridge, and Culvert Project planned for US 31 in the City of Franklin. The project is 5.59 miles in length and will stretch from CR 80 S to Israel Lane. The Corridor Improvement (Des 1800082) will make modifications to intersections and signal patterns at all intersections within the project corridor and will construct 10-ft wide paved trails parallel to both sides of US 31. The bridge project (Des 2001610) will widen the existing structure to accommodate the planned trails. The culvert project (Des 1800272) intends to replace the existing structure.

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: 6/30/2021

Signature of the INDOT
Project Engineer or Other Responsible Agent


Terry M Summers

Date: June 30, 2021

Signature of the
For Hire Consultant



Victoria Veach



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

July 2, 2021

66-33
SJCA Inc.
Attention: Victoria Veach
1104 Prospect Street
Indianapolis, Indiana 46203

Dear Victoria Veach,

RE: Wellhead Protection Area
Proximity Determination
Des No 1800082
Roadway Reconstruction Project
US 31 from CR 80 S to Israel Lane
Johnson County, Indiana

Upon review of the above referenced project site, it has been determined that the proposed project area **is located within** a Wellhead Protection Area. If the contact information is needed for the WHPA, please contact the reference located at the bottom of the letter for the appropriate information. 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.

The project area **is not located within** a Source Water Assessment Area for a PWSS's surface water intake. The Source Water Assessment Area relates to the surface water drainage area that water could potentially flow and influence water quality for a PWSS's source of drinking water.

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

1. Go to <https://www.in.gov/idem/cleanwater/pages/wellhead/>
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



Please Reduce, Reuse, Recycle

Victoria Veach

From: Turnbow, Alisha <ATurnbow@idem.IN.gov>
Sent: Friday, July 2, 2021 7:32 PM
To: Victoria Veach
Cc: Blazey, Samuel
Subject: RE: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.
Attachments: Proximity to WPA (1800082).pdf

Hi Victoria,

Find attached to this email a response to your proximity request for Des No 1800082. The project is located in Whiteland Water Works' Wellhead Protection Area. The contact for Whiteland Water Works is James Lowhorn and they can be reached at watersupt@whitelandin.us and 317-535-5531. Let me know what questions you have.

Sincerely,



Alisha Turnbow
Environmental Manager
Office of Water Quality
Drinking Water Branch, Groundwater Section
(317) 233-9158 • aturnbow@idem.IN.gov

Indiana Department of Environmental Management



IDEM values your feedback.

Please take two minutes and complete this brief survey.



COVID-19 Resources:

- **Indiana State Dept. of Health (ISDH) COVID-19 Call Center:** Call 877-826-0011 (available 8:00 am-5:00 pm daily).
- **Anthem NurseLine:** Call 800-337-4770 or visit the [Anthem NurseLine](#) online for a FREE symptom screening. Available to anyone with an Anthem health plan (this includes State of IN employees)
- **Anthem Employee Assistance Program (EAP):** Available to full-time state employees and their household members regardless of health plan participation. Call 800-223-7723 or visit anthemeap.com (enter State of Indiana) for crisis counseling, help finding child/elder care, legal/financial consultation and much more.

From: Victoria Veach <vveach@sjcainc.com>
Sent: Tuesday, June 29, 2021 5:41 PM
To: Turnbow, Alisha <ATurnbow@idem.IN.gov>
Subject: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

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

Hello Alisha,

Please find attached a packet of information detailing a project planned for US 31 in the City of Franklin, Johnson County, Indiana. Can you please send me the name and contact information for all wellhead protection/source water areas located within this project?

Thank you,

Victoria Veach

From: Courtade, Julian <JCourtade@indot.IN.gov>
Sent: Tuesday, July 6, 2021 7:53 AM
To: Victoria Veach
Subject: RE: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

Victoria –

I reviewed the Early Coordination Letter and found no issues with any surrounding airspace or public-use airports. This is due to the project meeting the required glideslope criteria from the nearest public-use facility according to 14 CFR Part 77 – Safe, efficient use, and preservation of the navigable airspace.

If any object will exceed 200 ft in height regardless of location, the object will need to be airspaced with the FAA 45 days prior to construction through the OEAAA portal below.

<https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp>

Please let me know if you have any questions!

Thanks,

Julian L. Courtade
Chief Airport Inspector
100 North Senate Ave, N758-MM
Indianapolis, IN 46204
Cell: (317) 954-7385
Email: jcourtade@indot.in.gov



From: Victoria Veach <vveach@sjcainc.com>
Sent: Tuesday, June 29, 2021 5:52 PM
To: Courtade, Julian <JCourtade@indot.IN.gov>
Subject: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

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

Hello,

Please find attached a packet of information detailing a project planned for US 31 in the City of Franklin, Johnson County, Indiana. Please respond within 30 days with any questions, comments, or concerns you may have.

Thank you,

Victoria Veach

From: Mark Beck <mbeck@crossroadengineers.com>
Sent: Tuesday, July 6, 2021 8:52 AM
To: Victoria Veach
Subject: RE: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

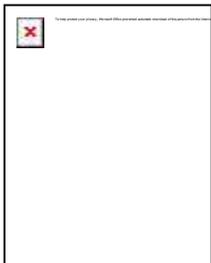
Hi Victoria,

There should be no equipment or structure that exceeds 200 feet in height on this project.

Thanks,
Mark

Mark A. Beck, P.E.

(317) 780-1555 x111 Office
(317)-658-2651 Cell



CROSSROAD ENGINEERS, PC

3417 Sherman Drive
Beech Grove, IN 46107
crossroadengineers.com
[Facebook](#) | [LinkedIn](#)

**Proudly serving our clients
since 1995**

From: Victoria Veach <vveach@sjcainc.com>
Sent: Tuesday, July 6, 2021 8:45 AM
To: Mark Beck <mbeck@crossroadengineers.com>
Subject: FW: Des 1800082, Roadway, Bridge, and Culvert Project Information, US 31 Johnson Co.

Hi Mark,

Please see the early coordination response from INDOT Aviation below. Will any structure or equipment used during construction exceed 200 ft in height?

Thank you,

Victoria Veach
Ecologist

SJCA Inc.
1104 Prospect Street
Indianapolis, IN 46203

Tel: 317-566-0629



Victoria Veach

From: Kenneth Gordon <kgordon@johnsonmemorial.org>
Sent: Monday, February 28, 2022 1:49 PM
To: Victoria Veach
Subject: RE: US 31 Improvement Project, Franklin IN

Thank You for the information.

Correct me if I'm wrong. The planned project and closure will impact the intersection of US31 and Jefferson street ?
Drake Rd is west of US31 closer to the hospital. Will Drake Rd remain open?



Kenneth Gordon

Director of Facilities

p: 317-736-3236
e: kgordon@johnsonmemorial.org



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

From: Victoria Veach [mailto:vveach@sjcainc.com]
Sent: Monday, February 28, 2022 11:06 AM
To: Kenneth Gordon <kgordon@johnsonmemorial.org>
Subject: US 31 Improvement Project, Franklin IN

Hello Kenneth,

I am working on the environmental review report for a roadway project that is planned for US 31 through Franklin. I am contacting you because the project will restrict access to Johnson Memorial Health Hospital from Hospital Rd for a short time during construction. Jefferson St will remain open to traffic for the duration of construction, so access to the hospital will be maintained. Construction in this section of the project is currently planned to begin in the Fall 2023, but that may be changed at a later date as project development continues.

I have attached the following information for your review:

1. An aerial map showing the planned project at Hospital Rd
2. Project plans showing the planned project at Hospital Rd
3. Maintenance of Traffic plans showing Hospital Rd and Jefferson St
4. A packet of information detailing the project that was sent to stakeholders in June 2021.

Do you have any questions, comments, or concerns regarding the project as currently planned? Your response is kindly requested at your earliest convenience.

Thank you,

Victoria Veach
Ecologist

2/8/2022

Brian Young, Johnson County Fair Board President

317-407-1509

brianyoung@macallister.com

A general inquiry regarding the project was submitted on February 5, 2022 to the Johnson County Fairgrounds website (<https://www.jocofairin.com/>). Mr. Young responded via phone on February 7, 2022 and left a message for an SJCA representative. A return call was made on February 8, 2022 to Mr. Young to provide basic project information and to ask if there were any concerns related to access to the fairgrounds, which has a main entrance located approximately 0.39 mile west of US 31 on SR 144/Jefferson Street, during construction. Mr. Young stated that he appreciated being contacted and provided an email address to receive information regarding the planned public hearing.

Victoria Veach

From: Swearingen Elizabeth - Health Dept <eswearingen@co.johnson.in.us>
Sent: Friday, February 25, 2022 4:59 PM
To: Victoria Veach
Subject: Re: US 31 Roadway Improvement Project, Franklin, IN
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png; image006.png; image007.png; image008.png; image009.png; image010.png; image011.png; image012.png; image013.png; image014.png

We have no opposition to this project. Hopefully by then we will be in our new building.
Thanks for the information.

Regards-
Betsy

Betsy Swearingen

Director

Public Health Preparedness Coordinator

Johnson County Health Department

(317) 346-4374

eswearingen@co.johnson.in.us

From: Victoria Veach <vveach@sjcainc.com>
Sent: Friday, February 25, 2022 4:04:04 PM
To: Swearingen Elizabeth - Health Dept
Subject: US 31 Roadway Improvement Project, Franklin, IN

Hello Elizabeth,

I am conducting an environmental review of a planned roadway project in Franklin, IN. The project will begin a little south of S Main St and will extend to a little north of Israel Lane. I am contacting you because the project will restrict access to the entrance and exit drive to the Johnson County Health Department during construction. Mallory Parkway will remain open to traffic while this drive is closed, so access to the Health Dept will still be available via the drive between Kohl's and Applebee's/Advance Auto Parts/Wendy's (the north-south drive between Mallory Parkway and the entrance/exit drive to the Health Dept). Construction in this location is currently planned to begin in Fall 2023, but that may be modified at a later date as the project continues to develop.

I have attached a few pieces of project information:

1. Plans showing the Maintenance of Traffic plan at this location
2. Plans showing the planned construction at this location

Victoria Veach

From: Tyler Urban <turban@franklin.in.gov>
Sent: Thursday, March 3, 2022 4:27 PM
To: Victoria Veach
Subject: RE: Des 1800082, US 31 Corridor Project, Franklin, IN

Hey Victoria,

Sorry I am a little later than my Wednesday afternoon goal to get back with you. There are a lot of pages in that sediment and erosion control plan and there were a lot of construction sites in town eager to get back to work with the nice weather this week! After reviewing the site, I do not have any issues with what is being proposed. Best of luck moving forward!

Kindest Regards,

*Tyler Urban, CISEC
City of Franklin
MS4 Coordinator
(317)346-1213*

From: Victoria Veach <vveach@sjcainc.com>
Sent: Friday, February 25, 2022 10:15 AM
To: Tyler Urban <turban@franklin.in.gov>
Subject: Des 1800082, US 31 Corridor Project, Franklin, IN

Hi Tyler,

Thank you for taking a few minutes to talk about this project! Please find the early coordination packet that was sent in June attached. The Erosion Control plans are quite large, so I placed them on OneDrive and they can be accessed here:

 [Erosion Control Plans.pdf](#)

Let me know if you are not able to access the plans and I will figure out another way!

Victoria Veach
Ecologist

SJCA Inc.
1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629



February 28, 2022

Cassie Hawkins, Franklin Head Start

317-346-0000

chawkins@hsi-headstart.com

A phone call was made to the Franklin, IN Head Start by the project consultant on February 28, 2022. Ms. Hawkins answered the phone, and the consultant provided basic project information regarding how the maintenance of traffic would impact access to the Head Start facility. Ms. Hawkins provided an email for herself and for the Regional Director for Head Start so that the consultant could provide them with graphics and other information related to the project. Ms. Hawkins did not express any concern related to the project and stated that they would “make do.” Ms. Hawkins stated that she appreciated being alerted about the project and how it would impact them.

Victoria Veach

From: Coad, Kendall <kcoad@ifa.IN.gov>
Sent: Tuesday, December 21, 2021 7:26 AM
To: Victoria Veach
Cc: ROBERTSON, ANDREA
Subject: RE: Brownfield/ERC Concerns, US 31 Reconstruction in Franklin, IN, Des 1800082

Victoria – Thank you for contacting me regarding the planned work near the McDonald’s Site at 1139 N. Morton Street in Franklin (BFD # 4100804). A Site Status Letter (SSL) was issued in February 2011 for this Site and it has a Recorded ERC on the Deed due to petroleum contamination detected in groundwater in 2009/2010. The Program understands that the proposed excavations are to occur at the following locations on or near the Site at depths listed below:

Excavation Depth and Proposed Scope around boring locations:

- The maximum depth of excavation in the areas of **B-12** and **B-13** will be approximately **1 foot deep** for the construction of a new sidewalk.
- In the area of **B-11**, the maximum depth of excavation will be approximately **3 feet deep** for the placement of a new drainage structure.
- In the area of **B-5**, the maximum depth of excavation will be approximately **6-inches deep** for re-grading the grass area.
- B-3 is outside of the construction limits.

The identified reports you refer to include a minimal amount of data on or near the ground surface and near the above-referenced borings. In addition, since the proposed excavation activities near these borings will be limited (from 0.5 feet bgs to 3 feet bgs) and soil samples collected for the various investigations were primarily collected from 6 to 8 feet bgs or deeper, we do not have specific laboratory concentrations depths shallower than the 4 feet bgs (where some of the soil samples were collected). The provided boring logs of the boring locations included photo-ionization detector (PID) measurements (noted in parts per million vapor (ppmv)) for most of the soil sampling intervals observed suggests that no or minimal contamination exists at depths < 5 feet bgs. In Boring **B-5**, the boring log indicates soil color was black and PID measurements indicate elevated readings at 0 to 2 feet bgs of 12.1 ppmv and 2 to 4 feet bgs of 48.8 ppmv. Because soil samples were not collected from these depths, it is unknown whether soil contamination exists or if soil coloration and elevated PID measurements were the result of organic material or petroleum contamination. Groundwater samples collected as part the investigations were obtained as grab samples (eg through the drill tubes) and not from temporary monitoring wells or permanent monitoring wells. Groundwater was not encountered in **B-5** or in **B-11** so no groundwater samples were collected at these locations. Subsurface investigations indicate that groundwater is likely located in saturated sand stringers or lenses and is expected to be deeper than the maximum depth of 3 feet of the estimated work.

Based on the findings in the 2011 SSL, I have the following comments:

Yes – I agree that the reports are not clear regarding the depth of where groundwater was encountered, but based on available information, groundwater is not expected to be encountered shallower than 5 feet bgs.

Yes – It appears that all groundwater samples were collected as grab samples and not from temporary monitoring wells or permanent monitoring wells. I am not aware of any existing monitoring wells at this Site.

No – Although we are not aware of any contamination within the limits of your excavation (max. depth of 3 feet bgs), it is not known (ie near **B-5**) whether any soil is contaminated since no soil samples shallower than 4 feet bgs were collected anywhere at the Site for laboratory analyses as part of the SSL.

Based on available information, we do not expect contamination to be encountered in the soil nor that groundwater will be encountered at a depth of less than 3 feet bgs near the Site.

LMK if you have any additional questions.

Ken



Ken Coad
Senior Environmental Advisor
INDIANA FINANCE AUTHORITY
100 North Senate Ave, STE 1275
Indianapolis, IN 46204
(p): 317-233-8409
(e): kcoad@ifa.in.gov

From: Victoria Veach <vveach@sjcainc.com>
Sent: Friday, December 10, 2021 2:35 PM
To: Coad, Kendall <kcoad@ifa.IN.gov>
Subject: Brownfield/ERC Concerns, US 31 Reconstruction in Franklin, IN, Des 1800082

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

Hello Ken,

I am working on the Environmental Documentation for the road reconstruction project on US 31 in Franklin, Indiana. The Red Flag Analysis (RFI) identified one Brownfield/Institutional Control site in the project area. The site is the McDonald's Restaurant located at 1139 N Morton St, Franklin, IN. The Agency Interest ID is 101057.

The recommendation generated from the RFI reads:

"McDonald's Restaurant 4100804 is listed as both a Brownfield and Institutional Control site and is located within the project area on the east side of US 31 approximately 0.03 mile north of the intersection of US 31 and Lemley St. IDEM issued a Site Status Letter on February 17, 2011; the letter indicates that petroleum and lead contamination is present in the groundwater above IDEM's Risk Integrated System of Closure (RISC) residential and/or industrial default closure levels (RDCLs and IDCLs). An Environmental Restrictive Covenant (ERC) was placed on the property on April 7, 2011. Residual petroleum contamination extends into the project area. Proper handling, removal, and disposal of soil and/or groundwater may be necessary. Coordination will be conducted with the IDEM Project Manager, Ken Coad, identified in the VFC documentation before further site activities occur."

Attached to this email are the following documents:

- A copy of the project plan page with construction limits outlined in purple, the location of the McDonald's property boxed in blue, and the work area around that site boxed in red. I called out the approximate location of B-3, B-6, B-11, B-12, and B-13.
- A copy of the ERC from April 2011.
- Figures 7 and 8 from the June 16, 2010, FSI report prepared by Pinnacle Environmental

Excavation Depth and Proposed Scope around Monitoring Wells:

- The maximum depth of excavation in the areas of **B-12** and **B-13** will be approximately **1 foot deep** for the construction of a new sidewalk.
- In the area of **B-11**, the maximum depth of excavation will be approximately **3 feet deep** for the placement of a new drainage structure.
- In the area of **B-5**, the maximum depth of excavation will be approximately **6-inches deep** for re-grading the grass area.
- B-3 is outside of the construction limits.

According to Figure 7 from the 2010 FSI report, B-3 and B-5 are within the areas containing residual soil contamination above Residential RISC levels. According to Figure 8 from the same report, all of the borings listed above are within the area containing residual groundwater contamination above Residential RISC levels.

According to the 2010 FSI Investigation summary on page 17 of the ERC, "Laboratory results indicated that all detected contaminants in soil samples analyzed were at levels below their applicable RISC Direct Contact RDCLs and MGW RDCLs." Table 1 on page 18 of the ERC shows B-3 having residual contamination levels exceeding RISC RDCLs, but no other borings in the vicinity of this project had residual contamination present.

I was not able to find any information about the depth to groundwater. However, page 17 of the ERC states that groundwater was not encountered at B-11 and B-12. Given that, I would assume that the proposed scope of work and associated depth of excavation of 6 inches to 1 foot will not encounter groundwater. Would you agree or disagree with that?

Would you be able to comment on whether or not the proposed work and excavation will encounter soil with residual contamination?

It looks like all of these are soil borings and that no groundwater monitoring wells were installed. Is that correct?

Do you have any other comments or concerns regarding the proposed work at this location?

Please let me know if you need any additional information or have any questions.

Thank you,

Victoria Veach
Ecologist

SJCA Inc.
1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629



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

Victoria Veach

From: Chris Hinkle <Chris@RedBarnEngineeringCo.com>
Sent: Wednesday, December 15, 2021 4:52 PM
To: Victoria Veach
Subject: RE: NPDES Permit for First Financial Bank Service in Franklin, IN

Good afternoon Victoria,
Construction for that project is completed and has been for a couple of years. I don't have any documentation on the Notice of Termination for the project as that was put in the owner's court at project completion. I will ask and see if they have anything, but I would suspect they do not.

Thanks for reaching out on this and feel free to contact me should you have any additional questions.

Sincerely,
CHRIS HINKLE, PE
317.677.6797

RED BARN ENGINEERING COMPANY

From: Victoria Veach [mailto:vveach@sjcainc.com]
Sent: Tuesday, December 14, 2021 2:41 PM
To: chris@redbarnengineeringco.com
Subject: NPDES Permit for First Financial Bank Service in Franklin, IN

Hi Chris,

You are listed as a contact for the NPDES Permit Number INR10N648 for the First Financial Bank Service located at 50 W Branigan Rd in Franklin, IN. I am contacting you because I am working on the environmental documentation for a planned roadway project on US 31 through Franklin. The roadway project is scheduled to begin in summer or autumn 2022 and will extend through 2024. The information I have about the NPDES permit for the First Financial Bank shows that it will expire on April 12, 2022.

Would you be able to tell me:

- 1) Is this permit still in effect or has it been terminated?
- 2) If this permit has been terminated, can you please tell me when that occurred?
- 3) If it is still in effect, can you please tell if it has been extended or not?

Thank you, and please let me know if you have questions or need more information!

Victoria Veach
Ecologist

SJCA Inc.
1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629

Victoria Veach

From: No Reply <noreply@idem.in.gov>
Sent: Wednesday, July 7, 2021 8:56 AM
To: Mark Beck
Subject: nVIRO Email - Construction Stormwater Coverage has been Terminated - INRA03872, South Main Street Improvements DES 1600655



Mark Richards, City of Franklin,

This is a confirmation that the coverage under the Construction Stormwater General Permit has been terminated for the following Authorization Number.

Authorization Number: INRA03872 v1.0

Site Name: South Main Street Improvements DES 1600655

To access a copy of the official Notice of Termination letter, log in to the IDEM Regulatory ePortal using the following link: <https://stormwater.idem.in.gov>. (If the link does not work, please type the address into your browser to access the system)

If you have any questions or concerns, please direct such matters to the IDEM Stormwater Program by contacting the Stormwater Permit Coordinator at Stormwat@idem.in.gov or call 317-233-1864 / Toll Free 800-451-6027 ext 1864.

Do not reply to this email. This is an automated email sent by the IDEM Regulatory ePortal system.

Victoria Veach

From: Paul Claire <paul@pyattbuilders.com>
Sent: Friday, February 25, 2022 3:01 PM
To: Victoria Veach
Subject: Re: US 31 Roadway Improvement Project, Franklin, IN
Attachments: Project Plans Westview Dr to Acorn Blvd.pdf; Aerial Maps Westview Dr to Acorn Blvd.pdf

Victoria

I looked at the information you sent and your email below. I don't anticipate that your project would have an environmental impact on Deer Meadows.

Should you have any other questions, please feel free to contact me.

Thanks

Paul Claire

Pyatt Builders

On Feb 25, 2022, at 2:30 PM, Victoria Veach <vveach@sjcainc.com> wrote:

Hi Paul,

I am contacting you regarding the Deer Meadows Section 4 housing development in Franklin, IN. I am working on an environmental review for a roadway project on US 31 in Franklin that is planned to begin in 2023. Part of the environmental review is to identify stormwater construction permits (SWPPP/Rule 5 permits) and to determine if there will be any conflict between the projects. The Deer Meadows Section 4 housing development and the associated Rule 5 permit was identified as a nearby construction project. The permit number for the Deer Meadows Section 4 development is INRA04707 and has an expiration date of September 27, 2024.

I have attached a sub-set of project plans and aerial maps showing the planned construction between Westview Blvd and Acorn Blvd. Construction on this section of US 31 is currently planned to begin in Spring 2024, but that may change as the development of the project continues.

Do you have any questions or concerns regarding potential impacts to the Deer Meadows Section 4 project? Do you foresee any conflict between the two projects?

Your response is kindly requested at your earliest convenience. Please reach out if you have questions about this email or would like more information about the project. I am also available by phone Monday through Friday at the number listed in my email signature.

Thank you!

Victoria Veach

Ecologist

Call Log for NPDES Coordination

KYB Manufacturing

Permit Numbers:

- INRM00886 (KYB Manufacturing Incorporated)
 - Permit Expiration: November 30, 2022
- INRA03592 (KYB Drainage Correction)
 - Permit Expiration: May 27, 2024
- INRM00884 (KYB Manufacturing Incorporated, discharge pipe permit)
- INP00086 (KYB Americas Corporation, discharge pipe permit)

2625 N Morton St, Franklin, IN 46131

A call between the consultant and a KYB Facilities Management representative took place at 2:00 pm on December 16, 2021. The KYB representative stated that the Drainage Correction project under Permit INRA03592 is completed, and that no additional construction related to that project is planned, but the construction completion date was not available. Project information and a sub-set of plans showing the planned work in front of the KYB property was shared with the KYB representative via email following the December 16, 2021, phone call.

McAlister's Franklin

Permit Number: INRA03253

2378 N Morton St, Franklin, IN 46131

Permit Expiration: April 25, 2024

A call between the consultant and the franchise owner took place at 1:10 PM on December 14, 2021. The owner stated that construction for the McAlister's restaurant was completed in 2019.

Buffalo Wild Wings

Permit Number: INR10N279

Simon Rd & N Morton St, Franklin, IN 46161

Permit Expiration: February 3, 2022

A call between the consultant and the Director of Construction (NPDES permit contact on IDEM Stormwater and Construction site) took place at 1:15 PM on December 14, 2021. The Director of Construction stated that the construction was completed in 2019, and that he had no knowledge of the existing permit to be extended beyond the February 3, 2022, expiration date. The Director could not recall the name of the firm that designed the facility.

Freddy's Frozen Custard & Steakburgers

Permit Number: INR10N386

US Hwy 31 & Simon Rd, Franklin, IN 46131

Permit Expiration: February 28, 2022

A call between the consultant and former franchise and real estate owner took place at 2:10 PM on December 14, 2021. The property and franchise were sold in 2021 to a large real estate holder based outside of Indiana. As of 2021, there were no plans to extend the permit beyond the February 2022 expiration.



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:

March 04, 2022

Project Code: 2022-0016018

Project Name: US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation
(Lead Des. 1800082)

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of

Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code 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
- Migratory Birds
- Wetlands

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

Project Code: 2022-0016018
Event Code: None
Project Name: US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation (Lead Des. 1800082)
Project Type: Road/Hwy - Maintenance/Modification
Project Description: Under Des. No. 1800082 (lead), the proposed project encompasses the roadway improvement for the entire length of the project, which begins approximately 800 feet south of South Main Street and extends north approximately 5.6 miles to Israel Lane. The proposed project will use a combination of reduced conflict intersections (RCIs), median U-turn, green T, restricted crossing U-turn, and boulevard left intersection styles throughout the project corridor. Also, the project proposes to install traffic loons in conjunction with median U-turns at various points throughout the project corridor. A traffic loon is pavement that is constructed outside of normal traffic lanes to allow for larger vehicles to safely make a U-turn on a divided roadway. Improvements to non-motorized transportation access will occur by updating and extending sidewalks, installing 10-foot-wide paved trails parallel to both sides of US 31, and installing pedestrian crossing infrastructure at some intersections.

Under Des. No. 1800272, the project proposes to replace the culvert (Structure Number 031-41-03534) that carries US 31 over Canary Ditch. Under Des. No. 2001610, the project proposes to rehabilitate the bridge that carries US 31 over Youngs Creek (Structure Number 031-41-07875 NBL & SBL) in order to accommodate the proposed trails on the outside of the traffic lanes.

Suitable summer bat habitat is present within and adjacent to the project area for the entire length of the project. A total of 1.88 acres of trees will be removed to complete this project. Under Des. No. 1800082, 1.75 acres of trees will be removed. The culvert replacement under Des. No. 1800272 will require 0.06 acre of tree removal, and the bridge rehabilitation under Des. No. 2001610 will require 0.07 acre of tree removal. All tree clearing will occur within 100 feet of the roadway, culvert, and bridge, and tree removal will occur during the inactive season for bats.

A review of the USFWS confidential bat database did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. This project will remove a total of 108 small drainage structures smaller than the 48-inch diameter threshold to receive a unique structure number, and it will extend the 4-foot-wide by 3-foot-high concrete box culvert carrying US 31 over Powell Legal Drain (Structure Number

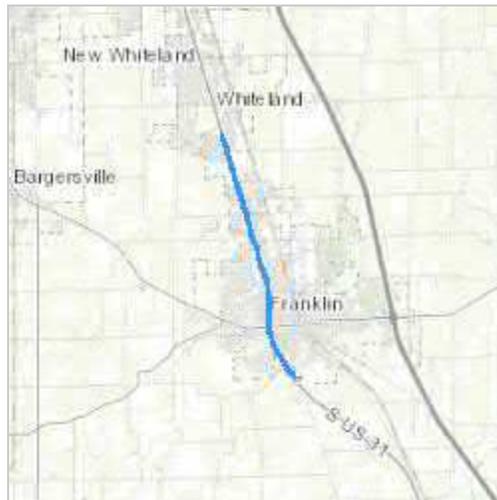
031-041-094.74). An inspection of all small drainage structures proposed to be removed, the culvert at Powell Legal Drain, the culvert carrying US 31 over Canary Ditch, and the bridge carrying US 31 over Youngs Creek occurred on December 13, 2021. No bats or signs of bats were identified on or in any structure involved in this project.

This project will install new permanent lighting in the form of pedestrian crosswalks. Existing traffic lights will be replaced. Temporary lighting may be required for this project.

Construction is planned to begin in Summer 2022 and will last for approximately 2 years.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.50283815,-86.0686681436832,14z>



Counties: Johnson County, Indiana

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

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

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

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 21 to Jul 20
Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the

FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

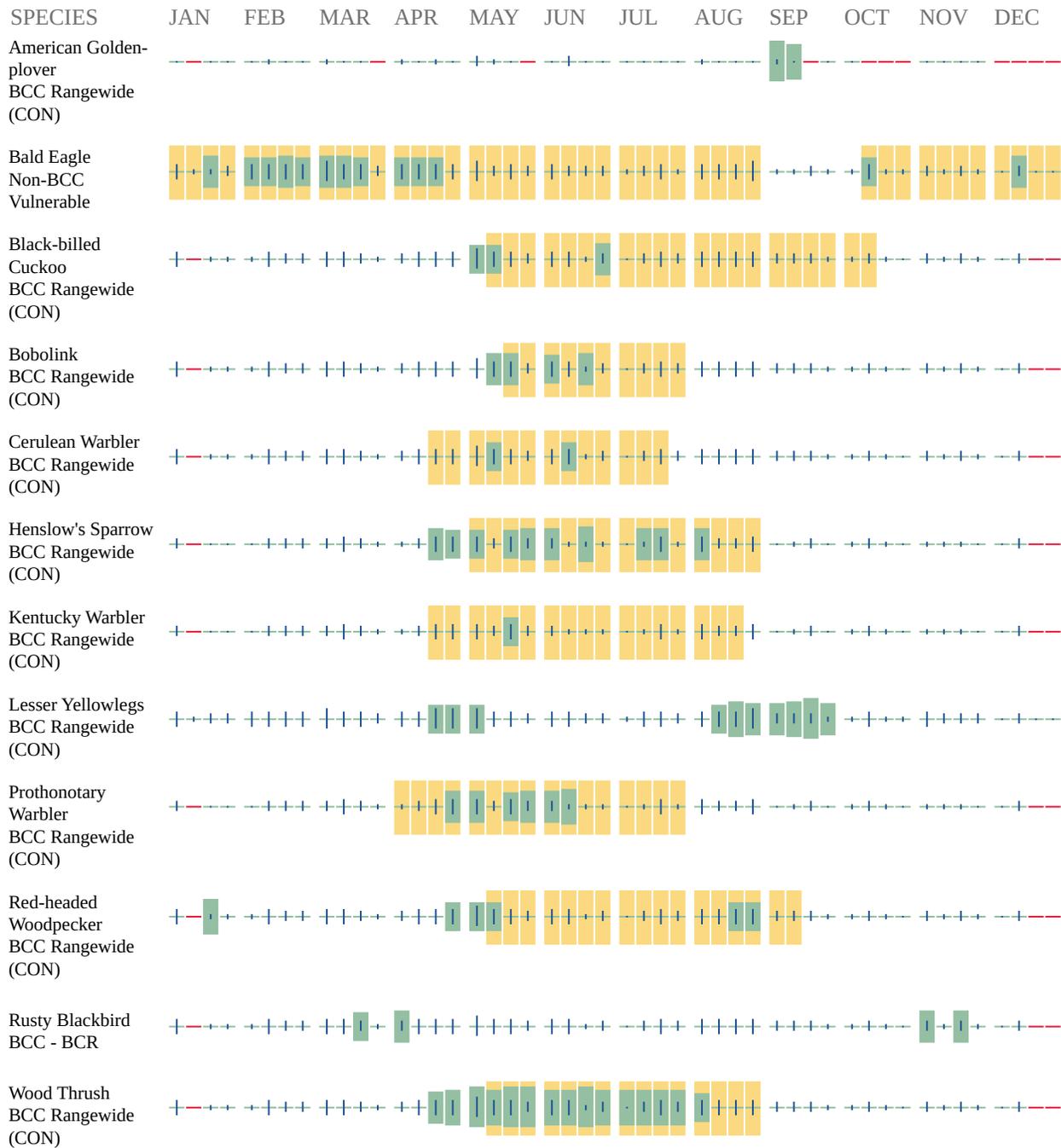
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab](#)

[of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be

aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Indiana Department of Transportation
Name: Victoria Veach
Address: 9102 N Meridian St
Address Line 2: Suite 200
City: Indianapolis
State: IN
Zip: 46260
Email: vveach@sjcainc.com
Phone: 3175660629



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:

December 27, 2021

Consultation code: 03E12000-2022-I-0571

Event Code: 03E12000-2022-E-02896

Project Name: US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation (Lead Des. 1800082)

Subject: Concurrence verification letter for the 'US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation (Lead Des. 1800082)' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation (Lead Des. 1800082)** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

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

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may

identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

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

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

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

- Monarch Butterfly *Danaus plexippus* Candidate

Project Description

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

Name

US 31 Roadway Improvement, Culvert Replacement, and Bridge Rehabilitation (Lead Des. 1800082)

Description

Under Des. No. 1800082 (lead), the proposed project encompasses the roadway improvement for the entire length of the project, which begins approximately 800 feet south of South Main Street and extends north approximately 5.6 miles to Israel Lane. The proposed project will use a combination of reduced conflict intersections (RCIs), median U-turn, green T, restricted crossing U-turn, and boulevard left intersection styles throughout the project corridor. Also, the project proposes to install traffic loons in conjunction with median U-turns at various points throughout the project corridor. A traffic loon is pavement that is constructed outside of normal traffic lanes to allow for larger vehicles to safely make a U-turn on a divided roadway. Improvements to non-motorized transportation access will occur by updating and extending sidewalks, installing 10-foot-wide paved trails parallel to both sides of US 31, and installing pedestrian crossing infrastructure at some intersections.

Under Des. No. 1800272, the project proposes to replace the culvert (Structure Number 031-41-03534) that carries US 31 over Canary Ditch. Under Des. No. 2001610, the project proposes to rehabilitate the bridge that carries US 31 over Youngs Creek (Structure Number 031-41-07875 NBL & SBL) in order to accommodate the proposed trails on the outside of the traffic lanes.

Suitable summer bat habitat is present within and adjacent to the project area for the entire length of the project. A total of 1.88 acres of trees will be removed to complete this project. Under Des. No. 1800082, 1.75 acres of trees will be removed. The culvert replacement under Des. No. 1800272 will require 0.06 acre of tree removal, and the bridge rehabilitation under Des. No. 2001610 will require 0.07 acre of tree removal. All tree clearing will occur within 100 feet of the roadway, culvert, and bridge, and tree removal will occur during the inactive season for bats.

A review of the USFWS confidential bat database did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. This project will remove a total of 108 small drainage structures smaller than the 48-inch diameter threshold to receive a unique structure number, and it will extend the 4-foot-wide by 3-foot-high concrete box culvert carrying US 31 over Powell Legal Drain (Structure Number 031-041-094.74). An inspection of all small drainage structures proposed to be removed, the culvert at Powell Legal Drain, the culvert carrying US 31 over Canary Ditch, and the bridge carrying US 31 over Youngs Creek occurred on December 13, 2021. No bats or signs of bats were identified on or in any structure involved in this project.

This project will install new permanent lighting in the form of pedestrian crosswalks. Existing traffic lights will be replaced. Temporary lighting may be required for this project.

Construction is planned to begin in Summer 2022 and will last for approximately 2 years.

Determination Key Result

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

Qualification Interview

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

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

Automatically answered

Yes

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

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

Automatically answered

Yes

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

A) *Federal Highway Administration (FHWA)*

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

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

No

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

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

No

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

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

No

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

No

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

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

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

Yes

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

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

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?
No

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

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

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

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

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

No

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

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry 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 *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

20. Are *all* trees that are being removed clearly demarcated?
Yes
21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?
No
22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?
No
23. Does the project include slash pile burning?
No
24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?
Yes
25. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

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

Yes

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

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

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

Yes

SUBMITTED DOCUMENTS

- *Lead Des 1800082 Structure Inspections.pdf* <https://ecos.fws.gov/ipac/project/N4UPTF22ZBH47JZMY3RIIOMLKQ/projectDocuments/108234975>

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

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

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

No

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

No

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

No

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

Yes

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

Yes

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

Yes

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

Yes

34. 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?

Yes

35. Will the activities that use percussives (**not including tree removal/trimming or bridge/structure work**) and/or increase noise levels above existing traffic/background levels be conducted *during* the active season^[1]?

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

Yes

36. Will *any* activities that use percussives (**not including tree removal/trimming or bridge/structure work**) and/or increase noise levels above existing traffic/background levels be conducted *during* the inactive season^[1]?

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

Yes

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

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

Yes

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

No

39. Are the project activities that use percussives (not including tree removal/trimming or bridge/structure work) consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the activities are within 300 feet of the existing road/rail surface, greater than 0.5 miles from a hibernacula, and conducted during the active season within undocumented habitat.

40. Are the project activities that use percussives (not including tree removal/trimming or bridge/structure work) and/or increase noise levels above existing traffic/background levels consistent with a No Effect determination in this key?

Automatically answered

Yes, because the activities are within 300 feet of the existing road/rail surface, greater than 0.5 miles from a hibernacula, and conducted during the inactive season

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

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

Automatically answered

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

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. **Tree Removal AMM 4**

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

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

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

Yes

48. **Lighting AMM 1**

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

Yes

49. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

50. **Lighting AMM 2**

Will the **permanent** lighting be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

Project Questionnaire

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

N/A

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

N/A

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

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

1.88

4. Please describe the proposed bridge work:

The structure carrying US 31 over Youngs Creek will be widened to accommodate two trails on both sides of the structure. The structure carrying US 31 over Canary Ditch will be replaced. The structure carrying US 31 over Powell Legal Drain will be extended on both sides of the structure. A total of 108 small drainage structures smaller than the 48-inch threshold to receive a unique structure number will be removed.

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

Summer 2022-Summer 2024

6. Please enter the date of the bridge assessment:

December 13, 2021

Avoidance And Minimization Measures (AMMs)

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

LIGHTING AMM 1

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

TREE REMOVAL AMM 2

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

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 3

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

TREE REMOVAL AMM 4

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

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.

TREE REMOVAL AMM 1

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

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

This key was last updated in IPaC on April 22, 2021. Keys are subject to periodic revision.

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

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

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

General Information		
Date of Inspection: 12.13.2021	Initial Inspection <input checked="" type="checkbox"/>	Temp: 47 F
Time of Inspection: 12:10 PM	Follow-up Inspection <input type="checkbox"/>	Wind: 16 mph from SW
County: Johnson County	Construction <input type="checkbox"/>	Precip: None
Inspected by: Victoria Veach		Sunrise: 7:59 AM Sunset: 5:22 PM
GPS Northing: 39.47773 Easting: -86.06361 UTM Zone: 16	Contract Number: R-41481 Des 2001610	Anticipated Start Date for Construction: Summer 2022

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: Youngs Creek	Station: 1100+82.66 "C"
Bridge/Culvert number: 031-41-07875	Number of Spans: 3
Type of Structure: <input type="checkbox"/> Concrete box beam <input type="checkbox"/> Steel beam <input checked="" 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 type="checkbox"/> Other (list):	Material: <input checked="" type="checkbox"/> Concrete <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Other (describe): Shape: <input type="checkbox"/> Box Culvert <input 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):
Bats Present? <input type="checkbox"/> Seen? <input type="checkbox"/> Heard?	
No	
In Clusters? Number of clusters:	
Number of bats in largest cluster:	
Approximate total number of bats found:	
Signs of previous bat use? <input type="checkbox"/> Guano <input type="checkbox"/> Staining	

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

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

General Information		
Date of Inspection: 12.13.2021 Time of Inspection: 3:15 PM	Initial Inspection <input checked="" type="checkbox"/> Follow-up Inspection <input type="checkbox"/> Construction <input type="checkbox"/>	Temp: 54 F Wind: 9 mph from WSW Precip: None Sunrise: 7:59 AM Sunset: 5:22 PM
County: Johnson County	Inspected by: Victoria Veach	
GPS Northing: 39.49877 Easting: -86.06703 UTM Zone: 16	Contract Number: R-41481 Des 1800272	Anticipated Start Date for Construction: Summer 2022

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: Canary Ditch	Station: 1178+50
Bridge/Culvert number: CV 031-41-03535	Number of Spans: 1
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 checked="" 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 type="checkbox"/> Other (list):	Material: <input checked="" type="checkbox"/> Concrete <input 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):
Bats Present? <input type="checkbox"/> Seen? <input type="checkbox"/> Heard? No	
In Clusters? Number of clusters:	
Number of bats in largest cluster:	
Approximate total number of bats found:	
Signs of previous bat use? <input type="checkbox"/> Guano <input type="checkbox"/> Staining	

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

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

General Information		
Date of Inspection: 12.13.2021 Time of Inspection: 11:35 AM	Initial Inspection <input checked="" type="checkbox"/> Follow-up Inspection <input type="checkbox"/> Construction <input type="checkbox"/>	Temp: 47 F Wind: 16 mph from SW Precip: None Sunrise: 7:59 AM Sunset: 5:22 PM
County: Johnson County	Inspected by: Christian Radcliff	
GPS Northing: 39.527686 Easting: -86.078450 UTM Zone: 16	Contract Number: R-41481 Des 1800082	Anticipated Start Date for Construction: Summer 2022

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: Powell Legal Drain	Station: N/A
Bridge/Culvert number: CV 031-41-094.74	Number of Spans: N/A
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 checked="" 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 type="checkbox"/> Other (list):	Material: <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Steel <input type="checkbox"/> Other (describe): Shape: <input checked="" type="checkbox"/> Box Culvert <input 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):
Bats Present? <input type="checkbox"/> Seen? <input type="checkbox"/> Heard?	
No	
In Clusters? Number of clusters:	
Number of bats in largest cluster:	
Approximate total number of bats found:	
Signs of previous bat use? <input type="checkbox"/> Guano <input type="checkbox"/> Staining	

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

Inspection Date: 12.13.2021

Weather: Sunny, temperature between 40 F and 52 F during inspections

Sunrise: 7:59AM, Sunset: 5:22 PM

Str ID	Size	Latitude/Longitude	Bats/Signs of		Time Inspected	Inspected By	Notes
			Bats				
1	12"	39.466330/-86.055689	N		11:11 AM	Victoria Veach (VV)	
2	12"	39.468430/-86.057371	N		11:04 AM	VV	
3	12"	39.469409/-86.058153	N		11:00 AM	VV	
4	12"	39.469445/-86.057872	N		10:58 AM	VV	
5	12"	39.472484/-86.060324	N		10:50 AM	VV	
6	15"	39.472764/-86.060834	N		10:47 AM	VV	
7	12"	39.473218/-86.061182	N		10:44 AM	VV	
8	15"	39.473782/-86.062009	N		10:42 AM	VV	
9	24"	39.473761/-86.061943	N		10:41 AM	VV	
10	12"	39.474076/-86.062139	N		10:39 AM	VV	
11	24"	39.474275/-86.062240	N		10:37 AM	VV	
12	12"	39.471890/-86.095838	N		10:52 AM	VV	one side crushed and covered with concrete
13	30"	39.474792/-86.062551	N		10:35 AM	VV	
14	15"	39.474973/-86.062106	N		11:35 AM	VV	
15	18"	39.475485/-86.062427	N		10:33 AM	VV	
16	36"	39.476393/-86.063326	N		11:53 AM	VV	
17	15"	39.479341/-86.063841	N		11:45 AM	VV	
18	10"	39.483463/-86.064391	N		2:19 PM	VV	
19	15"	39.483904/-86.064370	N		2:20 PM	VV	
20	12"	39.484312/-86.064383	N		2:21 PM	VV	
21	15"	39.485048/-86.064379	N		2:22 PM	VV	
22	12"	39.485377/-86.064385	N		2:23 PM	VV	
23	12"	39.485560/-86.064360	N		2:24 PM	VV	
24	12"	39.487674/-86.064420	N		2:40 PM	VV	
25	15"	39.489161/-86.064439	N		2:43 PM	VV	
26	15"	39.491163/-86.064062	N		2:49 PM	VV	
27	12"	39.492159/-86.064605	N		2:52 PM	VV	

28	18"	39.494184/-86.065159	N	2:56 PM	VV	
29	15"	39.494264/-86.065153	N	2:56 PM	VV	
30	12"	39.494905/-86.065394	N	2:59 PM	VV	
31	12"	39.496220/-86.065471	N	3:03 PM	VV	
32	12"	39.495778/-86.065774	N/A	3:02 PM	VV	100% submerged in water
33	12"	39.495897/-86.065825	N	3:03 PM	VV	
34	12"	39.496.208/-86.065976	N	3:07 PM	VV	
35	12"	39.497743/-86.066794	N	3:10 PM	VV	
36	12"	39.498199/-86.066430	N	3:15 PM	VV	
37	12"	39.498151/-86.067035	N	3:11 PM	VV	
38	15"	39.499110/-86.067183	N	3:19 PM	VV	
39	24"	39.499034/-86.067466	N	3:22 PM	VV	
40	36"	39.500547/-86.068111	N	3:27 PM	VV	
41	12"	39.500670/-86.067584	N	3:40 PM	Christian Radcliff (CR)	Outlet crusted
42	15"	39.500768/-86.067619	N	3:40 PM	CR	
43	36"	39.501072/-86.068263	N	3:31 PM	VV	
44	42"	39.501456/-86.068406	N	3:33 PM	VV	
45	36"	39.501980/-86.068590	N	3:36 PM	VV	
46	42"	39.502519/-86.068798	N	3:37 PM	VV	
47	15"	39.502640/-86.068311	N	3:35 PM	CR	
48	12"	39.502882/-86.068948	N	3:38 PM	VV	
49	36"	39.503018/-86.069008	N	3:39 PM	VV	
50	12"	39.503150/-86.068780	N	3:30 PM	CR	
51	15"	39.503209/-86.068561	N	3:30 PM	CR	50% buried
52	30"	39.504524/-86.069637	N	3:15 PM	CR	
53	12"	39.504593/-86.069033	N	3:15 PM	CR	Lot of debris in outlet
54	12"	39.504876/-86.069726	N	3:15 PM	CR	
55	18"	39.505583/-86.070008	N	3:10 PM	CR	
56	15"	39.506009/-86.070179	N	3:10 PM	CR	*Remove 30 ft of pipe, place new end section
57	15"	39.506052/-86.070188	N	3:10 PM	CR	*Remove 30 ft of pipe, place new end section
58	24"	39.506329/-86.070325	N	3:10 PM	CR	

59	12"	39.507548/-86.070776	N	3:05 PM	CR	
60	12"	39.507988/-86.070914	N	3:05 PM	CR	
61	18"	39.508318/-86.071040	N	3:05 PM	CR	
62	12"	39.508473/-86.071084	N	3:00 PM	CR	
63	12"	39.508874/-86.071234	N	3:00 PM	CR	
64	15"	39.510592/-86.071921	N	3:00 PM	CR	Outlet collapsed
65	12"	39.511459/-86.072220	N	2:55 PM	CR	
66	18"	39.511969/-86.072422	N	2:50 PM	CR	
67	15"	39.512546/-86.072668	N	2:45 PM	CR	
68	12"	39.512032/-86.072164	N	2:50 PM	CR	90% buried
69	15"	39.512068/-86.071907	N	2:35 PM	CR	
70	12"	39.512790/-86.072216	N	2:35 PM	CR	Inlet buried
71	18"	39.513723/-86.073127	N	2:45 PM	CR	
72	18"	39.514056/-86.073246	N	2:40 PM	CR	Inlet collapsed
73	15"	39.514063/-86.072679	N	2:40 PM	CR	
74	15"	39.515475/-86.073803	N	12:25 PM	CR	
75	12"	39.516073/-86.074014	N	12:20 PM	CR	
76	15"	39.516929/-86.074348	N	12:20 PM	CR	
77	12"	39.517245/-86.074472	N	12:20 PM	CR	
78	10"	39.517754/-86.074664	N	12:15 PM	CR	Inlet buried in riprap
79	12"	39.517932/-86.074728	N	12:15 PM	CR	
80	12"	39.518561/-86.074973	N	12:15 PM	CR	
81	12"	39.519007/-86.075145	N	12:10 PM	CR	Completely buried
82	15"	39.519113/-86.075181	N	12:10 PM	CR	
83	12"	39.519049/-86.075147	N	12:10 PM	CR	Mostly buried/covered with asphalt
84	15"	39.519069/-86.074606	N	12:30 PM	CR	Pipe is completely crushed
85	10"	39.519339/-86.075277	N	12:05 PM	CR	Buried/collapsed
86	12"	39.519711/-86.075392	N	12:05 PM	CR	
87	12"	39.520027/-86.075526	N	12:05 PM	CR	Inlet buried
88	18"	39.523227/-86.076191	N	11:50 AM	CR	Pipe buried and damaged
89	15"	39.523172/086.076466	N	11:50 AM	CR	
90	18"	39.524054/-86.077241	N	11:45 AM	CR	
91	12"	39.526993/-86.077661	N	11:35 AM	CR	Mostly buried

92	12"	39.529338/-86.070098	N	11:30 AM	CR	
93	12"	39.530815/-86.079662	N	11:15 AM	CR	
94	18"	39.530876/-86.079725	N	11:15 AM	CR	
95	18"	39.531780/-86.080081	N	11:15 AM	CR	75% submerged in water
96	12"	39.531851/-86.080061	N	11:15 AM	CR	
97	12"	39.533490/-86.080716	N	11:10 AM	CR	
98	15"	39.535269/-86.081428	N	10:55 AM	CR	
99	12"	39.535645/-86.081058	N	10:55 AM	CR	
100	12"	39.536071/-86.081215	N	10:50 AM	CR	Partially buried
101	12"	39.536400/-86.081337	N	10:45 AM	CR	
102	12"	39.536635/-86.081427	N	10:45 AM	CR	
103	18"	39.536161/-86.081791	N	10:50 AM	CR	
104	15"	39.536233/-86.081783	N	10:50 AM	CR	
105	15"	39.538736/-86.082794	N	10:40 AM	CR	Standing water in pipe
106	15"	39.540273/-86.083418	N	10:30 AM	CR	
107	15"	39.540336/-86.083129	N	10:35 AM	CR	
108	15"	39.541100/-86.083193	N	10:35 AM	CR	

Victoria Veach

From: Dye, David <DDYE@indot.IN.gov>
Sent: Monday, December 27, 2021 1:34 PM
To: Victoria Veach
Subject: RE: Lead Des 1800082, US 31 Roadway Improvement, Culvert Replacement, Bridge Rehabilitation IPaC

I have reviewed and submitted this determination to USFWS for their 14-day review period.

Let me know if you have any additional questions.

David Dye

Environmental Section Manager

185 Agrico Lane

Seymour, IN 47274

Office: (812) 524-3723

Email: ddye@indot.in.gov



From: Victoria Veach <vveach@sjcainc.com>
Sent: Tuesday, December 14, 2021 12:50 PM
To: Dye, David <DDYE@indot.IN.gov>
Subject: Lead Des 1800082, US 31 Roadway Improvement, Culvert Replacement, Bridge Rehabilitation IPaC

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

Hello David,

I have completed the IPaC determination for the US 31 reconstruction project in Franklin (Des 1800082). Let me know if you have questions or want any edits!

Thank you!

Victoria Veach
Ecologist

SJCA Inc.

1028 Virginia Ave, Suite 201
Indianapolis, IN 46203

Tel: 317-566-0629

