

**Des No. 1801684**

**Appendix C**

**Early Coordination**



# INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

Eric Holcomb, Governor  
Joe McGuinness,  
Commissioner

March 5, 2021

Sample Early Coordination Letter  
Maps and photos showing the project area  
were included in the mailing, but were removed  
to avoid duplication.

Re: Des. No.: 1801684, Slide Correction on State Road (SR) 7, Madison, Jefferson County, Indiana.

Agency Representative,

The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with a slide correction project along SR 7 in Madison Township, Jefferson County, Indiana. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. **Please use the above designation number (Des. No.) and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

This project is located on SR 7 between 0.50 mile to 0.78 mile north of SR 56 in Section 34, Township 4 North, and Range 5 East. SR 7 is classified as Urban Principal Arterial and has a posted speed limit of 30 miles per hour. This section of SR 7 travels in a north – south direction and consists of one 12-foot travel lane in each direction, each with a variable width shoulder ranging from 0 feet to 2 feet, and a 2-foot offset to the guardrail on the west side of SR 7. The road has an average profile grade of 7.4%, traveling from the lower elevation of downtown Madison, Indiana, to the higher ground in the north. SR 7 is built into the side of a steep slope and the landscape along this alignment is characterized by steep slopes with a high elevation east of SR 7 and a low elevation west of SR 7. The east side of SR 7 in this alignment is characterized by steep forested slopes with exposed rock outcrops while the west side of SR 7 has a sharp drop off into a deep valley. Guardrail is present on the west side of SR 7 throughout the alignment.

The proposed project will utilize soil nails to stabilize the downslope (west) side of the roadway embankment along the entire length of the project limits. Concrete curb and gutters will be placed along the west side of SR 7 to help direct water from behind the soil nail wall and increase stability of the wall. On the east side of SR 7, the existing paved ditch will be repaired and replaced with a uniform riprap lined ditch. This project will also replace five (5) existing drop inlets and drainage structures. All of these structures are smaller than the 48" requirement to receive a unique structure number. New riprap lined ditches will be placed at the outlets of all of these structures. One culvert (CV 007-039-00.80) will be repaired as part of this project. This project will replace the damaged headwall and stabilize the ground south of the culvert. SR 7 will be milled and a new HMA overlay will be placed throughout the project area. Guardrail will also be replaced throughout the project alignment.

SR 7 will be closed for the duration of construction and a detour utilizing SR 56, US 421, and SR 62 is planned. This detour route will add approximately 4.3 miles of travel distance and the closure is estimated to last 120 days. The existing apparent right-of-way along the western side of the roadway is the edge of the travel way, while on the eastern side, the roadway is bordered by platted properties that show an approximately 40-foot right-of-way. For this project, 0.96 acre of right-of-way will be added, coming from one parcel, currently covered in forest. Tree clearing will be required on the downslope side of SR 7 for construction access. The letting date for this project is currently scheduled for early 2023.

Land use in the vicinity of the project area is primarily forested, with commercial land use south of the project in Madison, Indiana. This 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 submitted through USFWS's Information for Planning and Consultation (IPaC) separately. A historical investigation will be completed to satisfy the requirement of Section 106 of the National Historic Preservation Act.

Please respond with comments, questions, and concerns **within thirty (30) calendar days** from the date of this letter; if no response is received, it will be assumed that your agency feels that there are no adverse effects incurred as a result of this proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Victoria Veach at SJCA Inc, at [vveach@sjcainc.com](mailto:vveach@sjcainc.com), or INDOT Project Manager Will Fortson at [WFortson@indot.in.gov](mailto:WFortson@indot.in.gov). Thank you in advance for your input on this project.

Sincerely,

Victoria Veach  
Ecologist  
SJCA Inc.

Enclosures:  
Mailing List  
Project Area Maps  
Project Area Photographs

## The following agencies received Early Coordination Letters:

Federal Highway Administration  
Erica Tait  
[Erica.Tait@dot.gov](mailto:Erica.Tait@dot.gov)

Indiana Geological and Water Survey  
<https://igws.indiana.edu/eAssessment>

Indiana Department of Natural Resources  
Environmental Coordinator  
[environmentalreview@dnr.in.gov](mailto:environmentalreview@dnr.in.gov)

Regional Environmental Coordinator  
Midwest Regional Office  
National Park Service  
[Mwro\\_Compliance@nps.gov](mailto:Mwro_Compliance@nps.gov)

IDEM Groundwater Section  
Chief, Alisha Turnbow  
[aturnbow@idem.in.gov](mailto:aturnbow@idem.in.gov)

Indiana Department of Environmental  
Management  
<https://www.in.gov/idem/5284.htm>

Field Environmental Officer  
Chicago Regional Office  
US Department of Housing & Urban  
Development  
Melanie Castillo  
[Melanie.H.Castillo@hud.gov](mailto:Melanie.H.Castillo@hud.gov)

INDOT Seymour District  
Environmental Section  
David Dye  
[DDye@indot.in.gov](mailto:DDye@indot.in.gov)

INDOT Project Manager  
Will Fortson  
[WFortson@indot.in.gov](mailto:WFortson@indot.in.gov)

INDOT Office of Aviation  
Julian Courtade  
[JCourtade@indot.in.gov](mailto:JCourtade@indot.in.gov)

Madison Water Department  
James Mitchell  
[utilitygarage@madison-in.gov](mailto:utilitygarage@madison-in.gov)

Madison State Hospital  
Thomas Astbury  
[tastbury@astburygroup.com](mailto:tastbury@astburygroup.com)

US Fish and Wildlife Service  
Bloomington Indiana Field  
Office  
[Robin\\_McWilliams@fws.gov](mailto:Robin_McWilliams@fws.gov)

State Conservationist  
Natural Resources Conservation  
Service  
[rick.neilson@in.usda.gov](mailto:rick.neilson@in.usda.gov)

Kentuckiana Regional Planning  
& Development Agency  
[Jarrett.Haley@kipda.org](mailto:Jarrett.Haley@kipda.org)  
[Amanda.Spencer@kipda.org](mailto:Amanda.Spencer@kipda.org)

Madison MS4 Coordinator  
Jay Thompson  
[MS4@madison-in.gov](mailto:MS4@madison-in.gov)

Jefferson County  
Commissioner's Office  
Sarah Morgan  
[Sarah.Morgan@JeffersonCounty.in.gov](mailto:Sarah.Morgan@JeffersonCounty.in.gov)

Jefferson County Council  
President  
Pam Crozier  
[PJCrozier527@gmail.com](mailto:PJCrozier527@gmail.com)

Jefferson County Highway Dept.  
Robert Phillips  
[Robert.Phillips@JeffersonCounty.in.gov](mailto:Robert.Phillips@JeffersonCounty.in.gov)

Jefferson County Surveyor  
Mike Pittman  
[Mike.Pittman@JeffersonCounty.in.gov](mailto:Mike.Pittman@JeffersonCounty.in.gov)

Madison Consolidated Schools  
Jill Deputy, Transportation  
Coordinator  
[jdeputy@madisonK12.in.us](mailto:jdeputy@madisonK12.in.us)  
Benjamin Yager, Assistant  
Transportation Coordinator  
[byager@madison.k12.in.us](mailto:byager@madison.k12.in.us)



March 24, 2021

Victoria Veach  
SJCA  
9201 North Meridian Street, Suite 200  
Indianapolis, Indiana 46260

Dear Ms. Veach:

The proposed project to proceed with a slide correction along State Road 7 in Jefferson County, Indiana, (Des No 1801684) as referred to in your letters received March 5, 2021, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

**RICHARD** Digitally signed by  
RICHARD NEILSON  
**NEILSON** Date: 2021.03.24  
15:44:18 -04'00'

RICK NEILSON  
State Soil Scientist



## Victoria Veach

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**From:** McWilliams, Robin <robin\_mcwilliams@fws.gov>  
**Sent:** Tuesday, March 9, 2021 9:40 AM  
**To:** Victoria Veach  
**Subject:** Re: [EXTERNAL] Slide Correction Project Information, SR 7, Des 1801684

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.

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 reinitiate 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 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](#)

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**From:** Victoria Veach <[vveach@sjcainc.com](mailto:vveach@sjcainc.com)>  
**Sent:** Friday, March 5, 2021 10:49 AM  
**To:** McWilliams, Robin <[robin\\_mcwilliams@fws.gov](mailto:robin_mcwilliams@fws.gov)>  
**Subject:** [EXTERNAL] Slide Correction Project Information, SR 7, Des 1801684

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

Environmental Reviewer,

Please find attached a packet of information detailing a planned slide correction project located along SR 7, beginning approximately 0.5 mile north of SR 56 in Jefferson County, Indiana. Please respond within 30 days of the date on this letter with any questions, comments, or concerns you may have. If no response is received it will be assumed that you have no comments or concerns about this project.

Thank you,

[Victoria Veach](#)  
[Ecologist](#)

[SJCA Inc.](#)  
[1104 Prospect Street](#)  
[Indianapolis, IN 46203](#)

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

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**DNR #:** ER-23526

**Request Received:** March 5, 2021

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

**Project:** SR 7 slide correction, between 0.50 mile to 0.78 mile north of SR 56, Madison; Des #1801684

**County/Site info:** Jefferson

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:** Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this project.

**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. However, the Madison Historic Trail is located within 1/2 mile southwest of the project area.

**Fish & Wildlife Comments:** We recommend a mitigation plan be developed for any unavoidable habitat impacts that will occur. The mitigation site should be located preferably as close to the impact site as possible and adjacent to existing forested riparian habitat. 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.

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

1. Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and also native hardwood trees and shrubs if any woody plants are disturbed during construction as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants, including prohibited invasive species

**THIS IS NOT A PERMIT**

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

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(see 312 IAC 18-3-25).

2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. 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.
4. Do not excavate in the low flow area except for the placement riprap.
5. Plant native hardwood trees within the right-of-way to replace the vegetation destroyed during construction.
6. 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.
7. 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.

**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:** April 1, 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](http://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 project proposes to place a soil nail wall on the west (downslope) side of SR 7 in Jefferson County, Indiana. The project will take place between 0.5 mile and 0.78 mile north of SR 56. The soil nail wall will be placed on the downslope embankment for the entire length of the project area. Curb and gutter along both sides of SR 7 will be repaired and replaced. Five small drainage structures will be replaced and new riprap lined ditches will be placed at the outlet. One culvert (CV 007-039-00.80) will be repaired as part of this project. Guardrail will be replaced throughout the entire alignment and the roadway will be milled and a new overlay placed within the project limits.

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 follow 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
  - o <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) ([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) (<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 project proposes to place a soil nail wall on the west (downslope) side of SR 7 in Jefferson County, Indiana. The project will take place between 0.5 mile and 0.78 mile north of SR 56. The soil nail wall will be placed on the downslope embankment for the entire length of the project area. Curb and gutter along both sides of SR 7 will be repaired and replaced. Five small drainage structures will be replaced and new riprap lined ditches will be placed at the outlet. One culvert (CV 007-039-00.80) will be repaired as part of this project. Guardrail will be replaced throughout the entire alignment and the roadway will be milled and a new overlay placed within the project limits.

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: 7/6/2021

Signature of the INDOT  
Project Engineer or Other Responsible Agent William Fortson

Date: March 9, 2021

Signature of the  
For Hire Consultant Victoria Veach

Victoria Veach



## Organization and Project Information

**Project ID:**  
**Des. ID:** Des 1801684  
**Project Title:** SR 7 Slide Correction 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: High Potential
- Sand and Gravel Resource: High Potential

### 3. Active or abandoned mineral resources extraction sites:

- None documented in the area

\*All map layers from Indiana Map ([maps.indiana.edu](http://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.

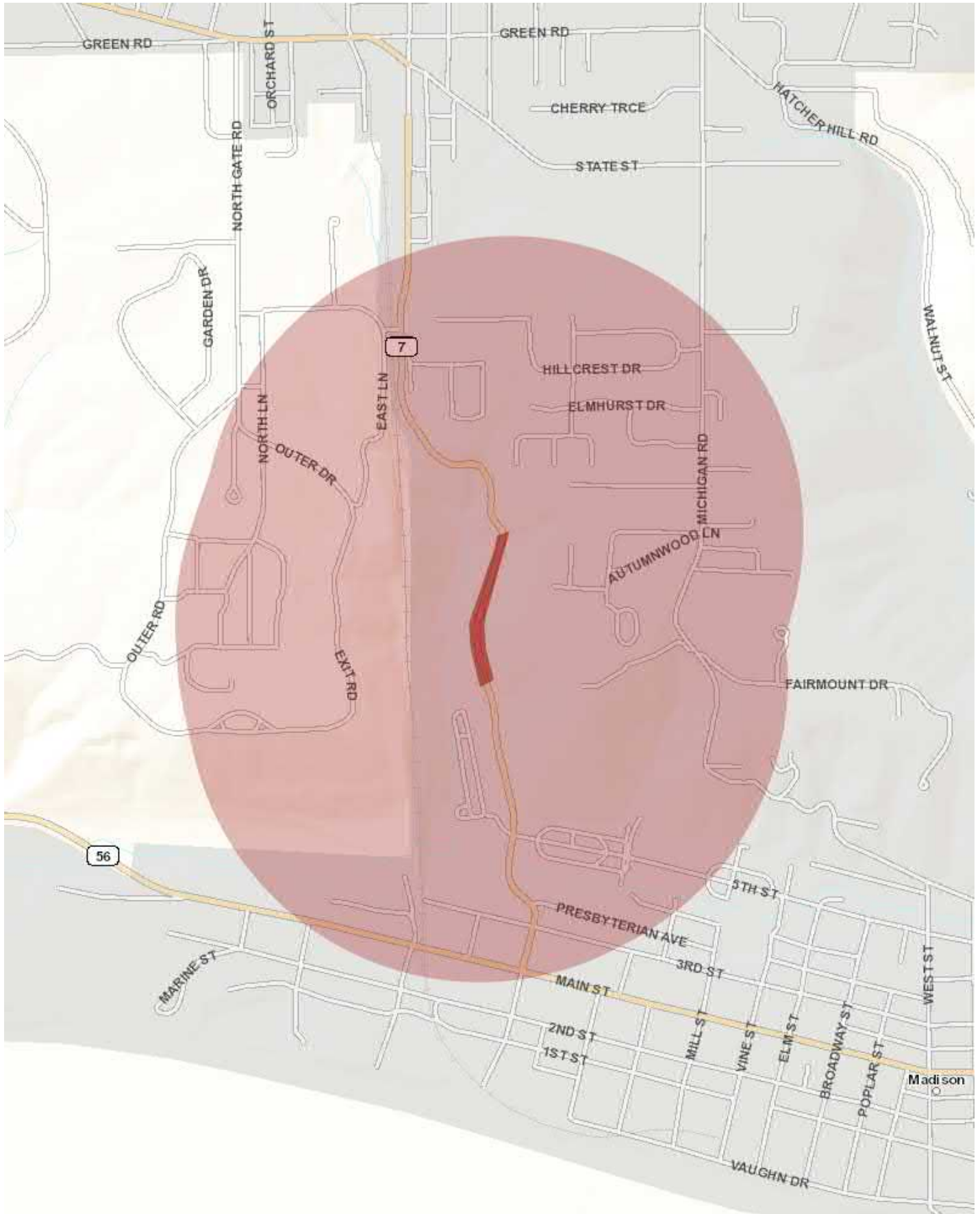
This information was furnished by Indiana Geological Survey

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

Email: [IGSEnvir@indiana.edu](mailto:IGSEnvir@indiana.edu)

Phone: 812 855-7428

Date: March 05, 2021



# Metadata:

- [https://maps.indiana.edu/metadata/Geology/Seismic\\_Earthquake\\_Liquefaction\\_Potential.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/Geology/Industrial_Minerals_Sand_Gravel_Resources.html)
- [https://maps.indiana.edu/metadata/Hydrology/Floodplains\\_FIRM.html](https://maps.indiana.edu/metadata/Hydrology/Floodplains_FIRM.html)
- [https://maps.indiana.edu/metadata/Geology/Bedrock\\_Geology.html](https://maps.indiana.edu/metadata/Geology/Bedrock_Geology.html)

## Victoria Veach

---

**From:** Turnbow, Alisha <ATurnbow@idem.IN.gov>  
**Sent:** Friday, March 5, 2021 5:09 PM  
**To:** Victoria Veach  
**Cc:** Blazey, Samuel  
**Subject:** RE: Slide Correction Project Information, SR 7, Des 1801684

Hi Victoria Veach,

The project is located within approximately 500 feet of the Wellhead Protection Areas for Madison Water Department and Madison State Hospital.

The contact for Madison Water Department is James Mitchell and they can be reached at [utilitygarage@madison-in.gov](mailto:utilitygarage@madison-in.gov) and 812-701-8833.

The contact for Madison State Hospital is Thomas Astbury and they can be reached at [tastbury@astburygroup.com](mailto:tastbury@astburygroup.com) and 317-828-1534.

Let me know what questions you have.

Sincerely,

### 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](http://anthemeap.com) (enter State of Indiana) for crisis counseling, help finding child/elder care, legal/financial consultation and much more.



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

Indiana Department of Environmental Management



**IDEM values your feedback.**

Please take two minutes and complete this brief survey.



---

**From:** Victoria Veach <[vveach@sjcainc.com](mailto:vveach@sjcainc.com)>  
**Sent:** Friday, March 05, 2021 11:04 AM  
**To:** Turnbow, Alisha <[ATurnbow@idem.IN.gov](mailto:ATurnbow@idem.IN.gov)>  
**Subject:** Slide Correction Project Information, SR 7, Des 1801684

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

Hello Alisha,



## Wanda Gaines, CFM

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**From:** Courtade, Julian <JCourtade@indot.IN.gov>  
**Sent:** Tuesday, April 6, 2021 6:41 AM  
**To:** Wanda Gaines, CFM  
**Subject:** RE: Early Coordination Packet for Des No. 1801864, SR 7 Slide Correction

Wanda –

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](mailto:jcourtade@indot.in.gov)



---

**From:** Wanda Gaines, CFM <wgaines@sjcainc.com>  
**Sent:** Monday, April 5, 2021 10:47 AM  
**To:** Courtade, Julian <JCourtade@indot.IN.gov>  
**Subject:** Early Coordination Packet for Des No. 1801864, SR 7 Slide Correction

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

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Greetings,

Attached for your review is the early coordination packet for Des No. 1801865, SR 7 Slide Correction. Please let me know if you have any issues with the attachment or have any questions or concerns. Your response is requested in 30 days.

Best,

## Victoria Veach

---

**From:** Jarrett Haley <Jarrett.Haley@kipda.org>  
**Sent:** Friday, March 5, 2021 11:04 AM  
**To:** Victoria Veach  
**Subject:** RE: Slide Correction Project Information, SR 7, Des 1801684

Thank you, Victoria. Have a wonderful weekend.

Jarrett

Jarrett Haley  
Executive Director  
KIPDA  
11520 Commonwealth Drive  
Louisville, KY 40299  
(502) 266-6084  
(502) 645-7307 (CELL)

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**From:** Victoria Veach <vveach@sjcainc.com>  
**Sent:** Friday, March 5, 2021 10:53 AM  
**To:** Jarrett Haley <Jarrett.Haley@kipda.org>; Amanda Spencer <amanda.spencer@kipda.org>  
**Subject:** Slide Correction Project Information, SR 7, Des 1801684

Hello,

Please find attached a packet of information detailing a planned slide correction project located along SR 7, beginning approximately 0.5 mile north of SR 56 in Jefferson County, Indiana. Please respond within 30 days of the date on this letter with any questions, comments, or concerns you may have. If no response is received it will be assumed that you have no comments or concerns about this project.

Thank you,

Victoria Veach  
Ecologist

SJCA Inc.  
1104 Prospect Street  
Indianapolis, IN 46203

Tel: 317-566-0629



## Victoria Veach

---

**From:** Thomas B. Astbury <tastbury@astburygroup.com>  
**Sent:** Wednesday, April 7, 2021 7:04 PM  
**To:** Victoria Veach  
**Subject:** FW: Roadway Project on SR 7 near Madison in Jefferson County, Des 1801684  
**Attachments:** Des 1801684 SR 7 Slide Correction Early Coordination Packet.pdf

Victoria,

The official words is that we do not have any concerns about this project affecting our wellhead protection area.

Thanks,

Tom Astbury

**From:** Victoria Veach <vveach@sjcainc.com>  
**Sent:** Wednesday, April 7, 2021 9:59 AM  
**To:** Thomas B. Astbury <tastbury@astburygroup.com>  
**Subject:** RE: Roadway Project on SR 7 near Madison in Jefferson County, Des 1801684

No problem and thank you!

Victoria Veach  
Ecologist

SJCA Inc.  
1104 Prospect Street  
Indianapolis, IN 46203

Tel: 317-566-0629



---

**From:** Thomas B. Astbury  
**Sent:** Tuesday, April 6, 2021 10:05 PM  
**To:** vveach@sjcainc.com  
**Subject:** FW: Roadway Project on SR 7 near Madison in Jefferson County, Des 1801684

Victoria,

My apologies! I will confirm with MSH management and let you know ASAP. At first glance, I don't foresee any issue.

Tom



## 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:

April 22, 2021

Consultation code: 03E12000-2021-I-0420

Event Code: 03E12000-2021-E-05563

Project Name: 1801684 SR 7 Slide Correction

Subject: Concurrence verification letter for the '1801684 SR 7 Slide Correction' 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 **1801684 SR 7 Slide Correction** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

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

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

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

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

## Project Description

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

### **Name**

1801684 SR 7 Slide Correction

### **Description**

The Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) intend to proceed with a slide correction project along State Road (SR) 7 in the City of Madison, Jefferson County, Indiana. The proposed project will begin approximately 0.50 mile north of SR 56 and will extend to approximately 0.78 mile north of SR 56.

The proposed undertaking involves utilizing soil nails to stabilize the downslope side of the roadway embankment along the entire length of the project limits. Concrete curb and gutters will be placed in front of the soil wall in order to help direct water away from the wall. The roadway within the project area will be milled and resurfaced. Five (5) 24-inch drainage pipes with grated drop inlets on the east side of SR 7 and outlets on the west side of SR 7 are located within the project area. All five (5) inlets will be cleaned and all pipes will be replaced. The existing paved ditch on the east side of the roadway will be repaired with a uniform riprap lined ditch. New riprap lined ditches will be placed at each of the five (5) pipe outlets. This project will also stabilize and make repairs to the headwall of a 48-inch by 48-inch concrete box culvert, CV 007-039-00.80, located at the northern terminus of the project area. The existing guardrail will be removed and replaced throughout the project area.

A total of 0.96 acre of permanent right-of-way will be required for this project. Both sides of the roadway are heavily forested throughout the project area; therefore, suitable summer habitat is located on both sides of the roadway throughout the project area. Approximately 0.82 acre of tree removal is required for this project. Tree removal will occur during the bat inactive season. No permanent lighting is planned; however, temporary lighting may be used during construction.

A review of the USFWS database by INDOT Seymour District staff on December 14, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The culvert and drainage pipes were inspected by SJCA Inc. staff on May 7, 2020 and no signs of bats were observed. Letting is currently scheduled for winter 2023 and construction is planned to take place during the 2023 construction season.

## 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<sup>[1]</sup>?

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

**Automatically answered**

Yes

2. Is the project within the range of the Northern long-eared bat<sup>[1]</sup>?

[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<sup>[1]</sup> 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<sup>[1]</sup>?

[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<sup>[1]</sup>?

[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<sup>[1]</sup> summer habitat for Indiana Bat or NLEB **within** the project action area<sup>[2]</sup>? (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<sup>[1]</sup> 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<sup>[1][2]</sup> been conducted<sup>[3][4]</sup> **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**<sup>[1][2]</sup>?

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

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

*No*

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

*Yes*

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

[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**<sup>[1][2]</sup>?

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

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

*No*

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<sup>[1]</sup> 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<sup>[1]</sup> been conducted **within** the last 24 months<sup>[2]</sup> 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**

- *Des 1801684 Bat Inspection Form with Structure attachment.pdf* <https://ecos.fws.gov/ipac/project/CDNGOADXXNH5BNRB3YCC7UBTXM/projectDocuments/101403242>

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

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

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

No

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

No

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

No

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

Yes

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

Yes

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

No

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

Yes

34. 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<sup>[1]</sup>?

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

Yes

35. 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<sup>[1]</sup>?

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

*Yes*

36. 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*

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

*No*

38. 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.*

39. 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*

40. 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.*

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 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.*

42. 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*

43. **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*

44. **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<sup>[1]</sup> 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*

45. **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*

46. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**<sup>[1]</sup> Indiana bat or NLEB roosts<sup>[2]</sup> (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

47. **Lighting AMM 1**

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

Yes

## Project Questionnaire

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

N/A

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

N/A

3. How many acres<sup>[1]</sup> 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.

0.82

4. Please describe the proposed bridge work:

*Five (5) 24-inch drainage pipes with grated drop inlets on the east side of SR 7 and outlets on the west side of SR 7 are located within the project area. All five (5) inlets will be cleaned and all pipes will be replaced. This project will also stabilize and make repairs to the headwall of a 48-inch by 48-inch concrete box culvert, CV 007-039-00.80, located at the northern terminus of the project area.*

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

*2023 Construction Season*

6. Please enter the date of the bridge assessment:

*May 7, 2020*

## Avoidance And Minimization Measures (AMMs)

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

### TREE REMOVAL AMM 1

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

### 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.

### 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.

## **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 15, 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.





## 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:

April 21, 2021

Consultation Code: 03E12000-2021-SLI-0420

Event Code: 03E12000-2021-E-05509

Project Name: 1801684 SR 7 Slide Correction

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

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

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

Please use the species list provided and visit the U.S. Fish and Wildlife Service’s Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

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

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

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

Attachment(s):

- Official Species List

## Official Species List

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

This species list is provided by:

**Indiana Ecological Services Field Office**

620 South Walker Street  
Bloomington, IN 47403-2121  
(812) 334-4261

## Project Summary

Consultation Code: 03E12000-2021-SLI-0420

Event Code: 03E12000-2021-E-05509

Project Name: 1801684 SR 7 Slide Correction

Project Type: TRANSPORTATION

Project Description: The Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) intend to proceed with a slide correction project along State Road (SR) 7 in the City of Madison, Jefferson County, Indiana. The proposed project will begin approximately 0.50 mile north of SR 56 and will extend to approximately 0.78 mile north of SR 56.

The proposed undertaking involves utilizing soil nails to stabilize the downslope side of the roadway embankment along the entire length of the project limits. Concrete curb and gutters will be placed in front of the soil wall in order to help direct water away from the wall. The roadway within the project area will be milled and resurfaced. Five (5) 24-inch drainage pipes with grated drop inlets on the east side of SR 7 and outlets on the west side of SR 7 are located within the project area. All five (5) inlets will be cleaned and all pipes will be replaced. The existing paved ditch on the east side of the roadway will be repaired with a uniform riprap lined ditch. New riprap lined ditches will be placed at each of the five (5) pipe outlets. This project will also stabilize and make repairs to the headwall of a 48-inch by 48-inch concrete box culvert, CV 007-039-00.80, located at the northern terminus of the project area. The existing guardrail will be removed and replaced throughout the project area.

A total of 0.96 acre of permanent right-of-way will be required for this project. Both sides of the roadway are heavily forested throughout the project area; therefore, suitable summer habitat is located on both sides of the roadway throughout the project area. Approximately 0.82 acre of tree removal is required for this project. Tree removal will occur during the bat inactive season. No permanent lighting is planned; however, temporary lighting may be used during construction.

A review of the USFWS database by INDOT Seymour District staff on December 14, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area. The culvert and drainage pipes were inspected by SJCA Inc. staff on May 7, 2020 and no signs of bats were observed. Letting is currently scheduled for winter 2023 and construction is planned to take place during the 2023 construction season.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.74824525,-85.39412282656693,14z>



Counties: Jefferson County, Indiana

## Endangered Species Act Species

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

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, 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 <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	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"> <li>▪ 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 <a href="http://www.fws.gov/midwest/endangered/mammals/nleb/index.html">www.fws.gov/midwest/endangered/mammals/nleb/index.html</a></li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

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

## Wanda Gaines, CFM

---

**From:** Dye, David <DDYE@indot.IN.gov>  
**Sent:** Thursday, April 22, 2021 12:18 PM  
**To:** Wanda Gaines, CFM  
**Cc:** Victoria Veach  
**Subject:** RE: Des 1801684 SR 7 Slide Correction IPAC Completion

Thanks. 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](mailto:ddye@indot.in.gov)



---

**From:** Wanda Gaines, CFM <[wgaines@sjcainc.com](mailto:wgaines@sjcainc.com)>  
**Sent:** Thursday, April 22, 2021 10:09 AM  
**To:** Dye, David <DDYE@indot.IN.gov>  
**Cc:** Victoria Veach <[vveach@sjcainc.com](mailto:vveach@sjcainc.com)>  
**Subject:** RE: Des 1801684 SR 7 Slide Correction IPAC Completion

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

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David,

Sounds good! I just made the changes you requested and updated everything. Let me know if you need anything else or have any questions.

Best,

Wanda G.

Wanda Gaines, CFM  
Environmental Scientist

### SJCA Inc.

1104 Prospect Street  
Indianapolis, IN 46203

Tel: 317-566-0629

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

General Information		
Date of Inspection: <b>May 7, 2020</b>	Initial Inspection <input checked="" type="checkbox"/>	Temp: 67 F
Time of Inspection: <b>12:30 pm</b>	Follow-up Inspection <input type="checkbox"/>	Wind: 10 mph W
County: Jefferson	Construction <input type="checkbox"/>	Precip: 0 in
Inspected by: Victoria Veach		Sunrise: 6:40 am Sunset: 8:41 pm
GPS Northing: 38.74978 Easting: -85.39386 UTM Zone: 16	Contract Number: R-41534  Des 1801684	Anticipated Start Date for Construction: Spring 2023

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: UNT to Crooked Creek	Station:
Bridge/Culvert number: CV 007-039-00.80	Number of Spans: N/A
Type of Structure: <input checked="" type="checkbox"/> Concrete box beam <input type="checkbox"/> Steel beam <input type="checkbox"/> Concrete I-beam <input type="checkbox"/> Steel girder <input type="checkbox"/> Concrete bulb tee beam <input type="checkbox"/> Steel pony truss <input type="checkbox"/> Concrete arch <input type="checkbox"/> Welded steel thru girder <input type="checkbox"/> Concrete girder <input type="checkbox"/> Concrete box culvert <input type="checkbox"/> Concrete slab <input type="checkbox"/> Concrete pipe <input type="checkbox"/> Multi-plate arch <input type="checkbox"/> Corrugated steel pipe <input 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:



<b>Structure Number</b>	<b>Bats (Y/N)</b>	<b>Lat/Long</b>	<b>Size and Type of Structure</b>	<b>Feature Crossed</b>
10	N	38°44'46.45"N/ 85°23'39.47"W	24" diameter RCB	UNT to Crooked Creek
11	N	38°44'49.32"N/ 85°23'40.04"W	24" diameter CMP	UNT to Crooked Creek
12	N	38°44'51.41"N/ 85°23'39.78"W	24" diameter RCB	UNT to Crooked Creek
13	N	38°44'52.52"N/ 85°23'39.38"W	24" diameter RCB	UNT to Crooked Creek
14	N	38°44'55.07"N/ 85°23'38.45"W	24" diameter CMP	UNT to Crooked Creek

**Des No. 1801684**

**Appendix D**

**Section 106 of the NHPA**

State Historic Preservation Office "No  
Adverse Effect" Effect Finding Concurrence  
Letter

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



June 16, 2021

Karen Wood  
Environmental and Cultural Resources Manager  
SJCA  
1104 Prospect Street  
Indianapolis, Indiana 46203

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

Re: DUAL REVIEW: Indiana Department of Transportation’s finding of “no adverse effect” on behalf of  
the Federal Highway Administration for the SR 7 Slide Correction Project, from 0.50 mile to 0.78  
mile north of SR 56, in Madison Township, Jefferson County (Des. No. 1801684; DHPA No. 25375)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, the Section 106 “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Office Regarding the Implementation of the Federal Aid Highway Program In The State of Indiana,” Indiana Code 14-21-1-18 and 312 Indiana Administrative Code (“IAC”) 20-4, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your May 17, 2021 review request submittal form, which enclosed INDOT’s finding and supporting documentation for this project, received by our office on the same date.

For the benefit of the Indiana Historic Preservation Review Board (“Review Board”) members and other recipients of this letter who are not Section 106 consulting parties, please be aware that documents submitted for the review of this project can be found online at IN SCOPE (<http://www.erms.indot.in.gov/Section106Documents/>). From there, search by this project’s designation number: 1801684.

As previously indicated, we agree that the Madison Historic District (NR-2038) is the only historic resource listed in the National Register for Historic Places (“NRHP”) and there are no other historic properties eligible for listing in the NRHP within the Area of Potential Effects (“APE”). We agree that the Madison Historic District will not be adversely affected by this undertaking.

Accordingly, we concur with INDOT’s May 13, 2021 Section 106 finding, on behalf of FHWA, of “No Adverse Effect” for this undertaking. Furthermore, it is our understanding that INDOT on behalf of FHWA intends to issue a ‘de minimis’ finding for the Madison Historic District for purposes of Section 4(f).

Furthermore, since there will be no adverse impact to the NRHP listed Madison Historic District, we have determined, pursuant to 312 IAC 20-4-11.5(f), that with a finding of “no adverse effect” under 36 CFR 800, a certificate of approval from the Review Board is not necessary. Accordingly, this letter shall service as a director’s letter of clearance.

Pursuant to 312 IAC 20-4-11(g), within fifteen (15) days after this determination, an interested person may request a member of the Review Board to provide public hearing and review under 312 IAC 2-3. The designated member shall issue a determination whether an application for a certificate of approval must be filed. If the designated member determines an application must be filed, then the division shall place the completed application on the agenda of the Review Board’s next meeting. If the designated member determines that an application for a certificate is not required, then the division director’s letter of clearance is affirmed. A determination under this subsection is not affected until the later of the following:

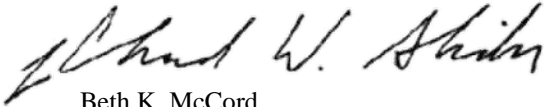
- (1) fifteen (15) days after issuance of the determination; or
- (2) the day resulting from a notice given under 312 IAC 2-3-7(d).

As always, if any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the DNR-DHPA within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. Part 800.

The structures reviewer for the Indiana SHPO staff is Chad Slider, and the archaeological reviewer is Beth K. McCord. However, if you have questions about the status of our review of a submission, about the kind of information to submit, or about a procedural issue, please contact initially an INDOT Cultural Resources Office staff member who is assigned to the project.

In all future correspondence regarding the SR 7 Slide Correction Project, Madison Township, Jefferson County (Des. No. 1801684), please refer to DHPA No. 25375.

Very truly yours,



Beth K. McCord  
Deputy State Historic Preservation Officer

BKM:CWS:cws

E-mail copies to consulting parties, consultants and interested parties:

Erica Tait, FHWA  
Michelle Allen, FHWA  
Anuradha Kumar, INDOT  
Shaun Miller, INDOT Susan Branigin, INDOT  
Anthony Ross, Ph.D., INDOT  
David Moffatt, INDOT  
Karen Wood, Green 3, LLC  
Madison Historic District Board Review  
Jefferson County Highway Department  
Jan Vethus  
Springhills Investments, Inc.  
Miami Tribe of Oklahoma  
Pokagon Bad of Potawatomi Indians  
Delaware Tribe of Indians  
Beth K. McCord, DNR-DHPA  
Chad Slider, DNR-DHPA

E-mail copies to Indiana Historic Preservation Review Board members:

J. Scott Keller, Review Board  
Anne Shaw, Review Board  
Daniel Kloc, AIA, Review Board  
Jason Larrison, AIA, Review Board  
Chandler Lighty, Review Board  
April Sievert, Ph.D., Review Board  
Ryan Mueller, Deputy Director, DNR, and Chairman, Review Board

“No Adverse Effect” Effect Finding  
Documentation

**FEDERAL HIGHWAY ADMINISTRATION'S  
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)  
AND SECTION 106 FINDINGS AND DETERMINATIONS  
AREA OF POTENTIAL EFFECT  
ELIGIBILITY DETERMINATIONS  
EFFECT FINDING  
SR 7 Slide Correction  
Madison, Madison Township, Jefferson County, Indiana  
Des. No.: 1801684; DHPA No. 25375**

**AREA OF POTENTIAL EFFECTS**

**(Pursuant to 36 CFR Section 800.4(a)(1))**

The Area of Potential Effects (APE) of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. limits the APE. The APE is limited by a large line of trees, steep slopes of heavy vegetation to the west and east, a portion of a residential neighborhood, and the curvature and elevation changes of the roads. See Appendix A for maps of the APE.

**ELIGIBILITY DETERMINATIONS**

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

There is resource listed in or eligible for listing the National Register of Historic Places (NRHP):  
**Madison Historic District (NR-2038, listed in 1973)** - is a historic commercial district with significant properties built between 1806 and 1860. It includes 150 contributing resources that served as the commercial epicenter of the historic Madison township. According to the National Register Nomination Form, the Madison Historic District is significant for reasons of agriculture, architecture, commerce, and transportation. Many of the structures were built in the Greek Revival style by Madison-native-architect Francis Costigan. It is listed in the NRHP under Criterion C for its association with architecture.

**EFFECT FINDING**

**Madison Historic District (NR-2038, listed in 1973)** - The undertaking will have "No Adverse Effect" on the Madison Downtown Historic District.

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

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

**Madison Historic District (NR-2038, listed in 1973)** - This undertaking will convert 0.96 acre of permanent right-of-way from **Madison Historic District (NR-2038, listed in 1973)**, a Section 4(f) historic property, to a transportation use; the INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore FHWA hereby intends to issue a "de minimis" finding for the **Madison Historic District (NR-2038, listed in 1973)**, pursuant to SAFETEA-LU, thereby satisfying FHWA's responsibilities under Section 4(f) for this historic property.

*Anuradha V. Kumar*

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Anuradha V. Kumar, for FHWA  
Manager  
INDOT Cultural Resources

05/13/2021

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Approved Date

**FEDERAL HIGHWAY ADMINISTRATION  
DOCUMENTATION OF SECTION 106 FINDING OF  
NO ADVERSE EFFECT  
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER  
PURSUANT TO 36 CFR Section 800.5(c)  
SR 7 Slide Correction  
Madison, Jefferson County, Indiana  
Des. No.: 1801684; DHPA No. 25375**

**1. DESCRIPTION OF THE UNDERTAKING**

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the State Road (SR) 7 Slide Correction Project, Des. No. 1801684.

The proposed undertaking is on SR 7 from 0.50 mile to 0.78 mile north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangles, in Section 34, Township 4 North, Range 10 East. The project length is 0.26 miles.

The purpose of the project is to keep SR 7 operating in a safe manner, correcting the safety and mobility concerns from slides. The need for this project is based on the fact that there are three locations within the project area experiencing slides.

SR 7 is an urban principal arterial roadway, consisting of two 12-foot-wide travel lanes with variable width shoulders from 0-2 feet wide. This section of SR 7 traverses from the lower elevation of downtown Madison, Indiana to the higher ground to the north. The average profile grade through the project is 7.4%. The roadway is built on the side of a hill with cut slopes on the eastside of the roadway and steep drop-offs along the west side of the roadway. Within the project limits there are 5 inlets on the inside of the roadway with cross culvert pipes that outlet to the outside.

The proposed undertaking involves utilizing soil nails to stabilize the downslope of the roadway embankment the entire length of the project limits. A 1400' soil nailed wall will be placed along the entire length of the project limits between the historic stone retaining wall to the south and the culvert, CV 007-039-00.80, to the north. Concrete curb and gutters will be placed along the present downslope side in front of the soil wall, redirecting water from behind the soil wall and increasing stability of the soil wall. The roadway is proposed to be milled and resurfaced, existing inlets removed and replaced, all 5 existing 24" pipes replaced with 10-foot-wide HMA patching, the existing upslope paved side ditch repaired with a uniform riprap lined ditch, new installation of riprap lined ditches at each of the 5 pipe outlets, existing guardrail removed and replaced, and the existing shoulder removed and replaced with aggregate. There will be some tree clearing in the downslope area of the roadway for construction access. At the bottom of the downslope, mulched seeding will be placed to the construction limits. On the north end of the slide correction area is a culvert, CV 007-039-00.80, in which the inspection report conducted on April 2, 2020 noted extensive cracking and spalls on the east side headwall and wingwalls. The guardrail on the west side is damaged and the anchors are detached from the base. The west side embankment is eroding, and the culvert box has cracking on the west side on the underside of the top of the box. This project proposes to replace the damaged headwall and stabilize the ground on the south side of the culvert.

SR 7 will be closed for an expected 120 days to allow for the implementation of this project. The detour proposed will route traffic to SR 56, US 421, and SR 62. It is anticipated that a total of 0.96 acre permanent right-of-way will be required. Letting is planned in 2023.



The APE, as defined in 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” The APE of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Land use within the APE consists primarily of residential properties. The dimensions of the APE were defined by a large line of trees, steep slopes of heavy vegetation to the west and east, a portion of a residential neighborhood, and the curvature and elevation changes of the roads. At its widest point, the APE measures 0.21 mile across; at its narrowest point, it measures 0.16 mile across. The APE is approximately 0.35 mile long. See Appendix A for a map of the APE.

## **2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES**

The National Register of Historic Places (NRHP), Indiana Register of Historic Sites and Structures (state Register), the State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges, and Cemetery Map (IHBBCM), the INDOT-sponsored *Historic Bridge Inventory*, and the *Jefferson County Interim Report* (1989) were consulted. One aboveground resource in the APE was previously surveyed and is listed in the NRHP: Madison Historic District, NR-2038, IHSSI # 077-378-26001.

The following parties/agencies were invited to become consulting parties (CPs) to this project and were sent an Early Coordination Letter (ECL) on April 8, 2020. The State Historic Preservation Officer (SHPO) is an automatic consulting party; that office and others that accepted consulting party status are shown in boldface type below. All consulting party correspondence is located in Appendix C.

### **Indiana State Historic Preservation Officer**

Indiana Landmarks Southern Regional Office  
Jefferson County Historian  
Jefferson County Historical Society Museum  
Cornerstone Society, Inc.  
Historic Madison Foundation, Inc.  
Madison Historic District Board of Review

Madison Main Street

Madison City Council

### **Jefferson County Highway Department**

Jefferson County Commissioners

Mayor of Madison

### **City of Madison**

Madison Street Department

### **Jan Vetrhus**

Camille Fife

### **Delaware Tribe of Indians**

Eastern Shawnee Tribe of Oklahoma

### **Miami Tribe of Oklahoma**

Peoria Tribe of Indians of Oklahoma

### **Pokagon Band of Potawatomi Indians**

Shawnee Tribe

United Keetowah Band of Cherokee Indians

On April 8, 2020, the City of Madison, Jan Vetrhus, Delaware Tribe of Indians, Pokagon Band of Potawatomi Indians, and the Jefferson County Highway Department accepted consulting party status.

On April 22, 2020, the Miami Tribe of Oklahoma accepted consulting party status, offering no objection at this time.

On May 4, 2020, the Indiana State Historic Preservation Officer (SHPO) staff responded that they were “not aware of any parties who should be invited to participate in the Section 106 consultation on this federal undertaking, beyond those whom INDOT already has invited.” They requested that they be advised as to which of the invited parties have accepted the invitation.

Karen Wood conducted a site visit of the project area on May 7, 2020. The qualified professional historian drove the entire project alignment and APE. She took general photographs of the area. All resources that will be 50 years of age by the time of project letting (2023) were surveyed, and photographic documentation of Contributing resources was prepared. See Appendix B for photographs. Aside the Madison Historic District (NR-2038), no resources in the APE were found to be listed in or eligible for the NRHP.

A Historic Property Short Report (HPSR) (Wood, 10/2020) was prepared by SJCA Inc. and distributed to consulting parties for review and comment on November 20, 2020. Tom Davee, a historic property owner within the Madison Historic District, was invited to become a consulting party. Please see Appendix D for a summary of the HPSR.

With regard to archaeological resources, it was noted in the RDL dated November 20, 2020 that Christopher Jackson, a Qualified Professional Archaeologist, reviewed the proposed project area and determined that the proposed slide correction of SR 7 (Des 1801684) in Jefferson County will not likely affect archaeological resources based on the project setting. In the location of the proposed project area, SR 7 was mechanically cut into a hillslope that slopes steeply downhill to the west and to a valley of an unnamed tributary of Crooked Creek. The slope was graded level for the highway and adjacent ditches. It is recommended that no further archaeological work is required and the proposed project should proceed.

In a letter dated December 22, 2020, the Indiana SHPO staff agreed with the size of the APE in the HPSR (Wood, October 2020) and the conclusions of the HPSR that “the Madison Historic District (NR-2038) is the only historic resource eligible for listing in the NRHP within the APE.”

In regard to archaeology, the SHPO staff stated in the same letter that “based on the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP within the proposed project area, which, we note, has not been subjected to archaeological investigations. However, this identification is subject to the ground-disturbing project-related activities remaining within areas disturbed by previous construction of a recent and non-historic nature.” SHPO staff continued to state that if archaeological deposits are found, then to contact the SHPO staff and then a report must be completed “in accordance with the Secretary of Interior’s ‘Standards and Guidelines for Archaeology and Historic Preservation (48 F.R. 44716) and a report of the archaeological documentation must be submitted to our office for review and comment.”

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

### **3. DESCRIBE AFFECTED HISTORIC PROPERTIES**

**Madison Historic District (NR-2038, listed in 1973)** - is a historic commercial district with significant properties built between 1806 and 1860. It includes 150 contributing resources that served as the commercial epicenter of the historic Madison township. According to the National Register Nomination

Form, the Madison Historic District is significant for reasons of agriculture, architecture, commerce, and transportation. Many of the structures were built in the Greek Revival style by Madison-native-architect Francis Costigan. It is listed in the NRHP under Criterion C for its association with architecture.

#### **4. DESCRIBE THE UNDERTAKING'S EFFECTS ON HISTORIC PROPERTIES**

**Madison Historic District (NR-2038/IHSSI # 077-378-26001, listed in 1973)** – The project will have “No Adverse Effect” on the resource. A new 1400’ soil nailed wall will be placed along the entire length of the project limits between the historic stone retaining wall to the south and the culvert, CV 007-039-00.80, to the north. The existing modern roadway will be updated; the existing elements including curb and gutter, guardrail, inlets, culvert headwall, pipe replacements will be removed and replaced. A total of 0.96 acres of permanent right-of-way (ROW) will be required.

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

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

**Madison Historic District (NR-2038, listed in 1973)** – The project will have “No Adverse Effect” on the resource.

Per 800.5(a)(2)(i), “Physical destruction of or damage to all or part of the property” will not occur. While there will be some tree clearing for construction access and approximately 0.96 acre of permanent right of way, no historic elements of the Madison Historic District property will be removed or damaged. A stone retaining wall extending south from the southern limits of the project will be avoided. A project commitment will be made to avoid the existing stone retaining wall located at the southern project limits; the plan sheets as found in Appendix E have labeled the wall and called out “Do not disturb.”

Per 36 CFR 800.5(a)(2)(ii), “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines” will not occur. The existing modern roadway will be updated; the existing elements including curb and gutter, guardrail, inlets, culvert headwall, pipe replacements will be removed and replaced. While there will be an installation of a soil nail wall, some tree clearing for construction access and approximately 0.96 acre of permanent right of way, there will be no alterations to historic elements of the Madison Historic District.

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

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance” will not occur. A stone retaining wall extending south from the southern limits of the project will be avoided. A project commitment will be made to avoid the wall and is called out “Do not disturb” on the plan sheets. Project elements, including the acquisition of right-of-way along SR 7 for the soil nail wall and roadway reconstruction, guardrail replacement, drainage improvements, installing new curb and gutter for ADA compliance, removing and

replacing inlets and pipes, and repairing the culvert headwall will not change any features that contribute to its historic significance or change the property's use. Aside from the stone retaining wall, all other historic elements from the historic district are approximately 0.5 miles from the project area.

Per 36 CFR 800.5(a)2(v), the "Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features" will not occur. The project will acquire right-of-way along SR 7 for the soil nail wall and roadway reconstruction, remove and replace guardrail, inlets and pipes, improve the drainage ditches, install new curb and gutter for ADA compliance, and repair the culvert headwall. A stone retaining wall extending south from the southern limits of the project will be avoided. A project commitment will be made to avoid the wall and is called out "Do not disturb" on the plan sheets. While the introduction of these project elements affects the setting of the historic district, it will not diminish the integrity of the district's significant historic features. Further, the historic district is large, containing 150 contributing resources, located approximately 0.5 miles south of the project area. No contributing properties within the historic district will have a view of the project due to the slope and terrain.

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

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

## **6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS**

An early coordination letter was distributed to consulting parties on April 8, 2020.

The Madison Historic District Board of Review, Jan Vetrhus, Jefferson County Highway Department, Delaware Tribe of Indians, Pokagon Band of Potawatomi Indians, and Miami Tribe of Oklahoma accepted consulting party status.

On April 8, 2020, Jan Vetrhus asked if a representative of the Springdale Cemetery (located southeast of the proposed project's location) will be contacted due to damage caused by a previous project and if this project was the same one discussed a couple of years ago. Green 3, LLC (now SJCA Inc.) responded that this was a new project located north of the cemetery and that previous project was under Des. No. 1173314. Green 3 then asked Vetrhus if the cemetery should still be included as a consulting party. Vetrhus responded, stating that "if none of the run-off can impact the Cemetery, then probably not. Water & riprap flowing downhill into the cemetery was the problem before. As long as this project doesn't force more run-off onto the graves, it shouldn't be a concern." After discussions with the project designer, it was determined that no increase in runoff to the cemetery will occur because the proposed new inlets and reconstructed ditch on the east side of the roadway will be piped to the west side of the road.

On April 8, 2020, the City of Madison accepted consulting party status and commented that "if there is historic material such as a retaining wall, the City of Madison does not have room to store that material at any of our facilities."

On May 4, 2020, SHPO staff asked for an explanation of "how this project differs in location or scope from an earlier project, Des. No. 1173314, SR 7 Slide Correction in the City of Madison, approximately 0.4 mile north of SR 56, for which FHWA made a Section 106 Adverse Effect finding on November 2, 2017, a Section 106 memorandum of agreement ('MOA') was executed on January 25, 2018, and the Indiana Historic Preservation Review Board granted a certificate of approval on January 17, 2018." SHPO staff also commented that the MOA that is posted on IN SCOPE did "not include Attachment A, which was to have included the area of potential effects map for Des. No. 1173314."

*Response:* The current project under Des. No. 1801684 takes place approximately 350 feet north of the northern limits of the previous project under Des. No. 1173314. The current scope under Des. No. 1801684 is similar to that of the scope under Des. No. 1173314 in which a soil nail wall will be constructed on the western slope of SR 7, roadway surface improvements and guardrail replacement. Additionally, under Des. No. 1801684, there will be drainage improvements. Please see the attached APE maps for each Des. No. for reference. Approximately 3.2 feet of a stone retaining wall, a contributing resource to the Madison Historic District, NR-2038, of which 99 feet was removed from the 479 feet long wall under Des. No. 1173314, has been observed at the southern project limits under Des. No. 1801684. It is anticipated that there will be no removal or disturbance of this portion of the stone retaining wall within the project limits; the proposed construction of the new soil nail wall will abut the existing stone retaining wall without a gap. Future plan sheets will insert a “Do not disturb” notation for the stone retaining wall. Additionally, Attachment A of the MOA under Des. No. 1173314 has been posted on IN SCOPE.

A Historic Property Short Report (HPSR) was completed for the project (Wood, 10/2020). This report was distributed on November 20, 2020. Tom Davee, a historic property owner within the Madison Historic District, was invited to become a consulting party.

With regard to archaeology, Christopher Jackson, M.S., RPA, conducted an archaeological assessment for the project, indicating that no archaeological resources have been recorded either in, or near the project area. Two retaining walls from the 19<sup>th</sup> century were considered a Contributing resource to the Madison Historic District, NR-2038. A review of the project area indicated it had been heavily disturbed from the construction of the previous embankment slope and recommended that the project be allowed to proceed without additional archaeological study.

In a letter dated December 22, 2020, the Indiana SHPO staff commenced notification of the Dual Review to interested persons and members of the Review Board. SHPO staff also acknowledged the differences to another slide correction project along SR 7 under Des. No. 1173314 and how this project under Des. No. 1601864 is “a similar but separate undertaking.” SHPO staff also agreed with the size of the APE in the HPSR (Wood, October 2020) and the conclusions of the HPSR that “the Madison Historic District (NR-2038) is the only historic resources eligible for listing in the NRHP within the APE.” SHPO also stated that no eligible or listed archaeological resources were currently known within the proposed project area.

No other consulting party comments were received. Copies of all consulting party correspondence are found in Appendix C.

This finding will be advertised as a legal notice in a local paper, the *Madison Courier*, and the public will be given a 30-day period in which to comment on the finding of effects. This documentation will be revised to reflect any substantive comments received.

## **APPENDICES**

- A – Maps
- B – Photographs
- C – Consulting Party Correspondence
- D – Historic Short Property Report Summary
- E – Most Current Plans Showing Historic Property Boundaries

**Note to Reader: These appendices were removed to reduce the overall size of this CE document. These pages can be made available upon request.**

**“No Adverse Effect” Effect Finding Public  
Notice and Publisher’s Affidavit**

**Public Notice**  
**Des. No. 1801684**

The Indiana Department of Transportation (INDOT) is planning to undertake a slide correction project, funded in part by the Federal Highway Administration (FHWA). The project is located SR 7 from 0.50 mile to 0.78 mile north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangles, in Section 34, Township 4 North, Range 10 East.

Under the preferred alternative, the proposed undertaking involves utilizing soil nails to stabilize the downslope of roadway embankment the entire length of the project limits. Concrete curb and gutters will be placed along the present downslope side in front of the soil wall, redirecting water from behind the soil wall and increasing stability of the soil wall. The roadway is proposed to be milled and resurfaced, existing inlets removed and replaced, all 5 existing 24" pipes replaced with 10-foot-wide HMA patching, the existing upslope paved side ditch repaired with a uniform riprap lined ditch, new installation of riprap lined ditches at each of the 5 pipe outlets, existing guardrail removed and replaced, and the existing shoulder removed and replaced with aggregate. There will be some tree clearing in the downslope area of the roadway for construction access. At the bottom of the downslope, mulched seeding will be placed to the construction limits. On the north end of the slide correction area is a culvert, CV 007-039-00.80, in which this project proposes to replace the damaged headwall and stabilize the ground on the south side of the culvert.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE) include the Madison Historic District, NR-2038. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued a "No Adverse Effect" finding for the project because the project will not diminish the integrity of the characteristics that qualify the historic properties within the APE for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation specified in 36 CFR 800.11(e) is available for inspection in SJCA Inc. 1104 Prospect St. Indianapolis, IN, 46203. Additionally, this documentation can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. This documentation serves as the basis for the "No Adverse Effect" finding. The views of the public on this effect finding are being sought. Please reply with any comments to Karen Wood, SJCA Inc. 1104 Prospect St. Indianapolis, IN, 46203; (317) 566-0629 or [kwood@sjcainc.com](mailto:kwood@sjcainc.com) no later than June 29, 2021.

In accordance with the "Americans with Disabilities Act", if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact William Fortson, (812) 524-3745, [wfortson@indot.in.gov](mailto:wfortson@indot.in.gov).

SJCA Inc.- INDOT Des No. 1801684  
.....  
(Governmental Unit)

To The Madison Courier 35-0840072  
.....

Jefferson  
.....County, Indiana

310 Courier Square, Madison, IN 47250  
.....

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines .....  
 Head -- number of lines .....  
 Body -- number of lines .....  
 Tail -- number of lines .....  
 Total number of lines in notice ..... 105

**COMPUTATION OF CHARGES**

...105... lines, ...1... columns wide equals ...105... equivalent lines at .4497 cents per line ..... \$ 47.22  
 Additional charges for notices containing rule or tabular work (50 per cent of above amount) .....  
 Charge for extra proofs of publication (\$1.00 for each proof in excess of two) .....  
**TOTAL AMOUNT OF CLAIM** ..... \$ 47.22

**DATA FOR COMPUTING COST**

Width of single column in picas.....7p8..... Size of type...7.....point.  
 Number of insertions.....1.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper .....1..... times. The dates of publication being as follows:

May 29th, 2021  
.....  
.....

Additionally, the statement checked below is true and correct:

- ..... Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- ..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- ..... Newspaper has a Web site but refuses to post the public notice.

Date April 22, 2021  
.....

*Julie Townsend*  
.....  
Title Newspaper Representative

ATTACH COPY OF ADVERTISEMENT HERE



**Public Notice  
Des. No. 1801684**

The Indiana Department of Transportation (INDOT) is planning to undertake a slide correction project, funded in part by the Federal Highway Administration (FHWA). The project is located SR 7 from 0.50 mile to 0.78 mile north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangles, in Section 34, Township 4 North, Range 10 East.

Under the preferred alternative, the proposed undertaking involves utilizing soil nails to stabilize the downslope of roadway

embankment the entire length of the project limits. Concrete curb and gutters will be placed along the present downslope side in front of the soil wall, redirecting water from behind the soil wall and increasing stability of the soil wall. The roadway is proposed to be milled and resurfaced, existing inlets removed and replaced, all 5 existing 24" pipes replaced with 10-foot-wide HMA patching, the existing upslope paved side ditch repaired with a uniform riprap lined ditch, new installation of riprap lined ditches at each of the 5 pipe outlets, existing guardrail removed and replaced, and the existing shoulder removed and replaced with aggregate.

There will be some tree clearing in the downslope area of the roadway for construction access. At the bottom of the downslope, mulched seeding will be placed to the construction limits. On the north end of the slide correction area is a culvert, CV 007-039-00.80, in which this project proposes to replace the damaged headwall and stabilize the ground on the south side of the culvert.

Properties listed in or eligible for the National Register of Historic Places (NRHP) located within the Area of Potential Effects (APE) include the Madison Historic District, NR-2038. The proposed action impacts properties listed in or eligible for the NRHP. The Indiana Department of Transportation (INDOT), on behalf of the FHWA, has issued a "No Adverse Effect" finding for the project because the project will not diminish the integrity of the characteristics that qualify the historic properties within the APE for inclusion in the NRHP. In accordance with the National Historic Preservation Act, the views of the public are being sought regarding the effect of the proposed project on the historic elements as per 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). Pursuant to 36 CFR 800.4(d)(2), the documentation

specified in 36 CFR 800.11(e) is available for inspection in SJCA Inc. 1104 Prospect St. Indianapolis, IN, 46203. Additionally, this documentation can be viewed electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents>. This documentation serves as the basis for the "No Adverse Effect" finding. The views of the public on this effect finding are being sought. Please reply with any comments to Karen Wood, SJCA Inc. 1104 Prospect St. Indianapolis, IN, 46203; (317) 566-0629 or [kwood@sjcainc.com](mailto:kwood@sjcainc.com) no later than June 29, 2021.

In accordance with the "Americans with Disabilities Act", if you have a disability for which INDOT needs to provide accessibility to the document(s) such as interpreters or readers, please contact William Fortson, (812) 524-3745, [wfortson@indot.in.gov](mailto:wfortson@indot.in.gov), [hspaxlp](mailto:hspaxlp)

## Consulting Party Correspondence

### Consulting Party List for Des. 1801684

Name	Organization	email
Chad Slider	SHPO	<a href="mailto:cslider@dnr.in.gov">cslider@dnr.in.gov</a>
Beth McCord	SHPO	<a href="mailto:bmccord@dnr.in.gov">bmccord@dnr.in.gov</a>
Greg Sekula	Indiana Landmarks Southern Regional Office	<a href="mailto:gsekula@indianalandmarks.org">gsekula@indianalandmarks.org</a>
Erica Cline	Jefferson County Historian	<a href="mailto:erica.cline@jeffersoncounty.in.gov">erica.cline@jeffersoncounty.in.gov</a>
	Jefferson County Historical Society Museum	<a href="mailto:Info@jchshc.org">Info@jchshc.org</a>
Link Ludington	Cornerstone Society, Inc.	<a href="mailto:info@cornerstonesociety.org">info@cornerstonesociety.org</a>
John Stacier	Historic Madison Foundation, Inc.	<a href="mailto:hmi@historicmadison.com">hmi@historicmadison.com</a>
David Cart	Jefferson County Historic Preservation Council, Inc.	<a href="mailto:rdcart1@yahoo.com">rdcart1@yahoo.com</a>
Nicole M. Schell	City of Madison	<a href="mailto:preservation@madison-in.gov">preservation@madison-in.gov</a>
Dave Adams	Madison Main Street	<a href="mailto:madisonmainstreetprogram@gmail.com">madisonmainstreetprogram@gmail.com</a>
Bobby Phillips	Jefferson County Highway Department	<a href="mailto:robert.phillips@jeffersoncounty.in.gov">robert.phillips@jeffersoncounty.in.gov</a>
Robert Little	Jefferson County Commissioner	<a href="mailto:robert.little@jeffersoncounty.in.gov">robert.little@jeffersoncounty.in.gov</a>
	Mayor of Madison	<a href="mailto:lrenwick@indianalandmarks.org">lrenwick@indianalandmarks.org</a>
	Madison City Council	
	Madison Street Department	
Jan Vetrhus		<a href="mailto:janvetrhus@gmail.com">janvetrhus@gmail.com</a>
Camille Fife		<a href="mailto:camillefife@aol.com">camillefife@aol.com</a>
Tom Davee	Property Owner of Springhill Investments, Inc. within the Madison Historic District	<a href="mailto:tomdavee78@gmail.com">tomdavee78@gmail.com</a>

#### Tribal Contacts

Delaware Tribe of Indians

Eastern Shawnee Trib of Oklahoma

Miami tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

## Karen Wood

---

**From:** Karen Wood  
**Sent:** Wednesday, April 8, 2020 1:29 PM  
**To:** Slider, Chad (DNR); gsekula@indianalandmarks.org; erica.cline@jeffersoncounty.in.gov; info@jchshc.org; info@cornerstonesociety.org; hmi@historicmadisoninc.com; preservation@madison-in.gov; madisonmainstreetprogram@gmail.com; robert.phillips@jeffersoncounty.in.gov; robert.little@jeffersoncounty.in.gov; david.bramer@jeffersoncounty.in.gov; ron.lee@jeffersoncounty.in.gov; mayor@madison-in.gov; krampy@madison-in.gov; streetsec@madison-in.gov; janvetrhus@gmail.com; camillefife@gmail.com  
**Cc:** Carpenter, Patrick A; Miller, Shaun (INDOT); Branigin, Susan; akumar@indot.in.gov; Victoria Veach; Ross Waggoner; Greg Wendling  
**Subject:** FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7SlideCorrection\_Des1801684\_ECL\_2020-4-8.pdf

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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

State Historic Preservation Officer  
Indiana Landmarks Southern Regional Office  
Jefferson County Historian  
Jefferson County Historical Society Museum  
Cornerstone Society, Inc.  
Historic Madison Foundation, Inc.  
Madison Historic District Board of Review  
Madison Main Street  
Jefferson County Highway Supervisor  
Jefferson County Commissioners  
Mayor of Madison  
Madison City Council  
Madison Street Department  
Jan Vetrhus  
Camille Fife  
Delaware Tribe of Indians, Oklahoma  
Eastern Shawnee Tribe of Oklahoma  
Miami tribe of Oklahoma  
Peoria Tribe of Indians of Oklahoma  
Pokagon Band of Potawatomi Indians  
Shawnee Tribe

This letter is part of the early coordination phase of the environmental review process requesting comments associated with this project. We are requesting comments from your area of expertise regarding any possible environmental effects

associated with this project. Please use the above Des. Number and project description in your reply and your comments will be incorporated into the formal environmental study.

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

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

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

Thank you in advance for your input,

*Karen Wood*

Environmental and Cultural Resources Manager

g r e e n • 3



Historic Fountain Square  
1104 Prospect Street  
Indianapolis, IN 46203

p 317.634.4110  
f 866.422.2046 (toll free)

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

## Karen Wood

---

**From:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Sent:** Wednesday, April 8, 2020 2:34 PM  
**To:** thpo@estoo.net; Diane Hunter; 'Logan Pappenfort'; matthew.bussler@pokagonband-nsn.gov; tonya@shawnee-tribe.com; Larry Heady; wwarrior@ukb-nsn.gov  
**Cc:** Karen Wood; Miller, Shaun (INDOT); Allen, Michelle (FHWA); Branigin, Susan  
**Subject:** FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7SlideCorrection\_Des1801684\_ECL\_2020-4-8.pdf

Dear Consulting Parties,

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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

State Historic Preservation Officer  
Indiana Landmarks Southern Regional Office  
Jefferson County Historian  
Jefferson County Historical Society Museum  
Cornerstone Society, Inc.  
Historic Madison Foundation, Inc.  
Madison Historic District Board of Review  
Madison Main Street  
Jefferson County Highway Supervisor  
Jefferson County Commissioners  
Mayor of Madison  
Madison City Council  
Madison Street Department  
Jan Vetrhus  
Camille Fife  
Delaware Tribe of Indians, Oklahoma  
Eastern Shawnee Tribe of Oklahoma  
Miami tribe of Oklahoma  
Peoria Tribe of Indians of Oklahoma  
Pokagon Band of Potawatomi Indians  
Shawnee Tribe  
United Keetowah Band of Cherokee Indians

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

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

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

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

Thank you in advance for your input,

Patrick Carpenter  
Section 106 Specialist, Cultural Resources Office  
Environmental Services  
Indiana Department of Transportation  
100 N Senate Ave., IGCN-Rm. N-642  
Indianapolis, IN 46204-2216  
317-233-2061



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

**Eric Holcomb, Governor**  
**Joe McGuinness, Commissioner**

April 8, 2020

This letter was sent to the listed parties.

RE: SR 7 Slide Correction Project, Des. No. 1801684, Jefferson County, Indiana

Dear Consulting Party (see attached list),

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration, proposes to proceed with the State Road (SR) 7 Slide Correction Project, Des. No. 1801684. Green 3, LLC is under contract with INDOT to advance the environmental documentation for the referenced project.

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

The proposed undertaking is on SR 7 from 0.50 mile to 0.78 mile north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangles, in Section 34, Township 4 North, Range 10 East.

The purpose of this project is to keep SR 7 operating in a safe manner, correcting the safety and mobility concerns from the slides. The need for this project is based on the fact that there are three locations within the project area experiencing slides.

SR 7 is an urban principal arterial roadway, consisting of two 12-foot-wide travel lanes with variable width shoulders from 0-2 feet wide. This section of SR 7 traverses from the lower elevation of downtown Madison Indiana, to the higher ground to the north. The average profile grade through the project is 7.4%. The roadway is built on the side of a hill with cut slopes on the eastside of the roadway and steep drop-offs along the west side of the roadway. Within the project limits there are 5 inlets on the inside of the roadway with cross culvert pipes that outlet to the outside.

The proposed undertaking involves utilizing soil nails to stabilize the downslope of roadway embankment. Soil Nails are usually constructed design/build with a performance-based specification. A shotcrete face to the wall shall be provided. Additionally, curb and gutters along the present downslope side in front of the soil wall would be implemented to help redirect water from behind the soil wall, increasing stability of the soil wall. Within the project limits, the roadway would be milled and resurfaced, inlets cleaned, pipe replaced, upslope paved side ditch repaired, and guardrail replaced.



SR 7 will be closed for an expected 120 days to allow for the implementation of this project. The detour proposed will route traffic to SR 56, US 421, and SR 62. It is anticipated that a total of 0.96 acre permanent right-of-way will be required. Letting is planned in 2023.

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

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

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The proposed project area is located within the Madison Historic District, NR-2038, listed in 1973 on the National Register of Historic Places (NRHP). At this time, no cultural resource investigations have occurred; however, the results of cultural resource identification and evaluation efforts, both above-ground and archaeological, will be forthcoming. Consulting parties will receive notification when these reports are completed.

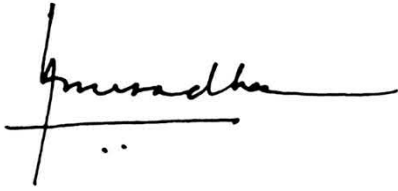
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party, or if you do not respond, you will not be included on the list of consulting parties for this project. If we do not receive your response in the time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

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

Karen Wood  
Environmental and Cultural Resources Manager  
Green 3, LLC  
1104 Prospect Street  
Indianapolis, Indiana, 46203  
[karen@green3studio.com](mailto:karen@green3studio.com)

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

Sincerely,



Anuradha V. Kumar, Manager  
Cultural Resources Office  
Environmental Services

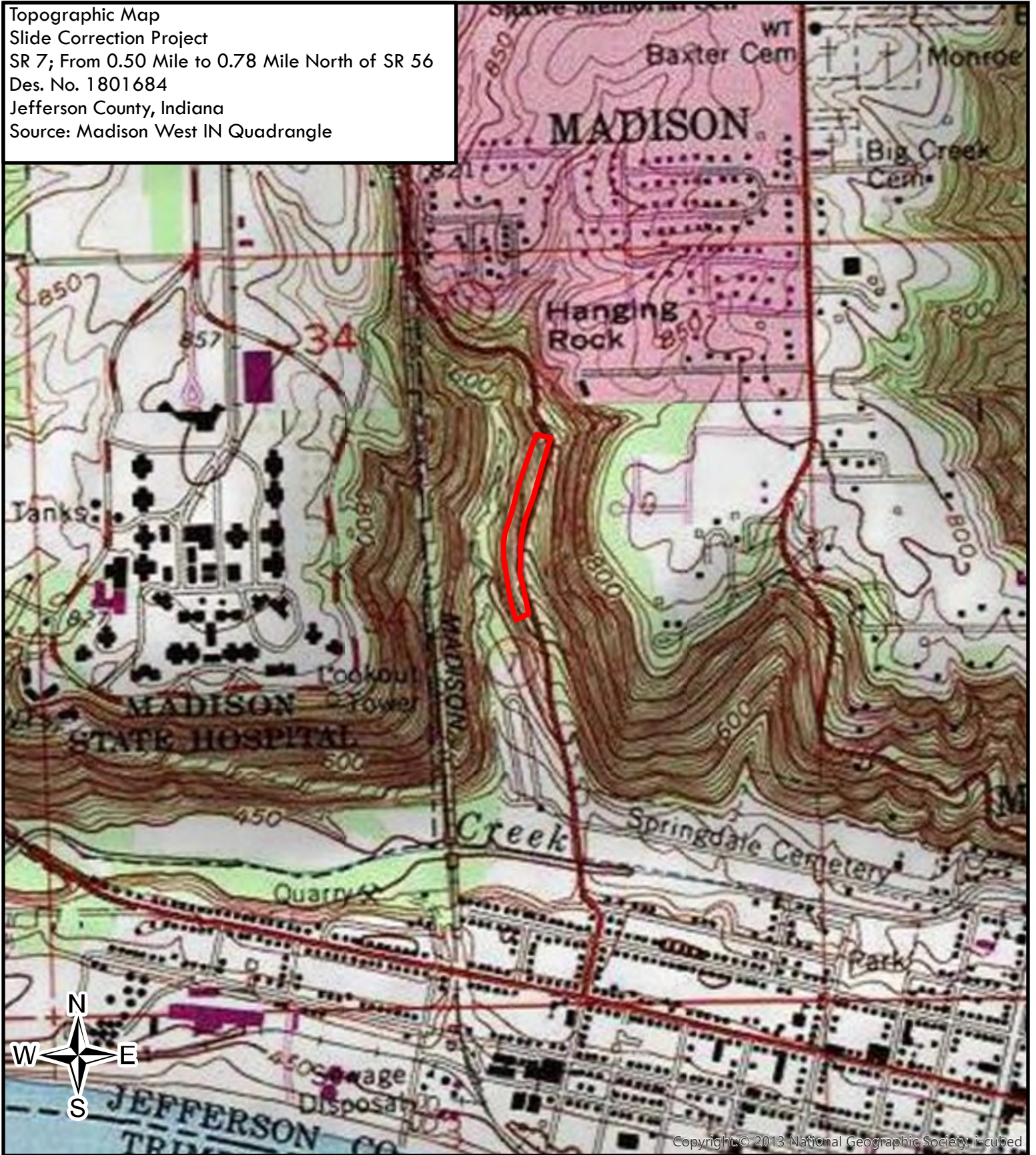
Enclosures:  
Topographic Map

Distribution List:

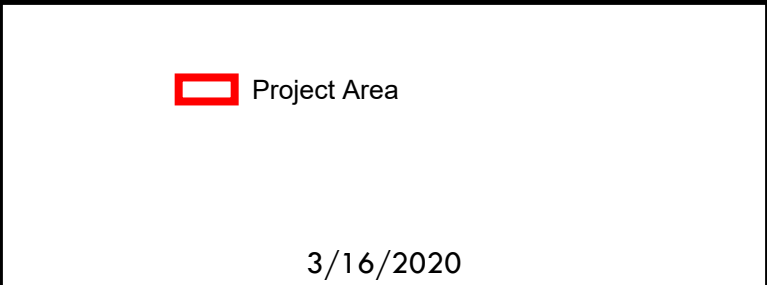
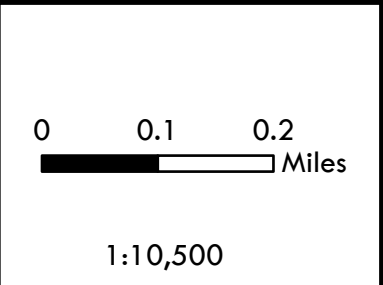
Indiana State historic Preservation Officer, [CSlider@dnr.IN.gov](mailto:CSlider@dnr.IN.gov)  
Indiana Landmarks Southern Regional Office, [gsekula@indianalandmarks.org](mailto:gsekula@indianalandmarks.org)  
Jefferson County Historian, [Erica.cline@jeffersoncounty.in.gov](mailto:Erica.cline@jeffersoncounty.in.gov)  
Jefferson County Historical Society Museum, [info@jchshc.org](mailto:info@jchshc.org)  
Cornerstone Society, Inc., [info@cornerstonesociety.org](mailto:info@cornerstonesociety.org)  
Historic Madison Foundation, Inc., [hmi@historicmadisoninc.com](mailto:hmi@historicmadisoninc.com)  
Madison Historic District Board of Review, [preservation@madison-in.gov](mailto:preservation@madison-in.gov)  
Madison Main Street, [madisonmainstreetprogram@gmail.com](mailto:madisonmainstreetprogram@gmail.com)  
Jefferson County Highway Supervisor, [robert.phillips@jeffersoncounty.in.gov](mailto:robert.phillips@jeffersoncounty.in.gov)  
Jefferson County Commissioners, [robert.little@jeffersoncounty.in.gov](mailto:robert.little@jeffersoncounty.in.gov), [david.bramer@jeffersoncounty.in.gov](mailto:david.bramer@jeffersoncounty.in.gov),  
[ron.lee@jeffersoncounty.in.gov](mailto:ron.lee@jeffersoncounty.in.gov)  
Mayor of Madison, [mayor@madison-in.gov](mailto:mayor@madison-in.gov)  
Madison City Council, [krampy@madison-in.gov](mailto:krampy@madison-in.gov)  
Madison Street Department, [streetsec@madison-in.gov](mailto:streetsec@madison-in.gov)  
Jan Vetrhus, [janvetrhus@gmail.com](mailto:janvetrhus@gmail.com)  
Camille Fife, [camillefife@aol.com](mailto:camillefife@aol.com)  
Delaware Tribe of Indians, Oklahoma  
Eastern Shawnee Tribe of Oklahoma  
Miami tribe of Oklahoma  
Peoria Tribe of Indians of Oklahoma  
Pokagon Band of Potawatomi Indians  
Shawnee Tribe  
United Keetowah Band of Cherokee Indians



Topographic Map  
Slide Correction Project  
SR 7; From 0.50 Mile to 0.78 Mile North of SR 56  
Des. No. 1801684  
Jefferson County, Indiana  
Source: Madison West IN Quadrangle



Copyright © 2013 National Geographic Society, i-cubed





## Karen Wood

---

**From:** Nicole Schell <preservation@madison-in.gov>  
**Sent:** Wednesday, April 8, 2020 2:22 PM  
**To:** Karen Wood  
**Subject:** RE: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Karen,

Thank you for the email regarding the slide correction project on SR 7. I will be acting as the representative for all City of Madison entities invited to be a consulting party including the historic district board of review. The only comment we currently have on the project is that if there is historic material such as a retaining wall, the City of Madison does not have room to store that material at any of our facilities.



**Nicole M Schell**  
*City Planner - Preservation Coordinator*  
City of Madison, Indiana  
101 W Main Street, Madison, IN 47250  
(812)-274-2750

Be sure to connect with the City of Madison Online:



\*\*\*This mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the message originator. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of The City of Madison.\*\*\*

---

**From:** Karen Wood <karen@green3studio.com>  
**Sent:** Wednesday, April 8, 2020 1:29 PM  
**To:** Slider, Chad (DNR) <CSlider@dnr.IN.gov>; gsekula@indianalandmarks.org; erica.cline@jeffersoncounty.in.gov; info@jchshc.org; info@cornerstonesociety.org; hmi@historicmadisoninc.com; Nicole Schell <preservation@madison-in.gov>; madisonmainstreetprogram@gmail.com; robert.phillips@jeffersoncounty.in.gov; robert.little@jeffersoncounty.in.gov; david.bramer@jeffersoncounty.in.gov; ron.lee@jeffersoncounty.in.gov; Bob G. Courtney <mayor@madison-in.gov>; Katie Rampy <krampy@madison-in.gov>; Gina Center <streetsec@madison-in.gov>; janvetrhus@gmail.com; camillefife@gmail.com  
**Cc:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>; Miller, Shaun (INDOT) <smiller@indot.IN.gov>; Branigin, Susan <SBranigin@indot.IN.gov>; akumar@indot.in.gov; Victoria Veach <victoria@green3studio.com>; Ross Waggoner <rwaggoner@usiconsultants.com>; Greg Wendling <gwendling@usiconsultants.com>  
**Subject:** FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

## Karen Wood

---

**From:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Sent:** Wednesday, April 8, 2020 2:36 PM  
**To:** Karen Wood; Miller, Shaun (INDOT)  
**Subject:** FW: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

-----Original Message-----

**From:** Larry Heady <lheady@delawaretribe.org>  
**Sent:** Wednesday, April 08, 2020 2:34 PM  
**To:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Subject:** Re: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

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

The Delaware Tribe of Indians has closed all tribal offices until April 30, 2020. Due to this closure the Delaware Tribe's Historic Preservation Office's will be closed to the public and staff will be available on a limited basis. During this closure we are requesting an extension to all timelines until further notice and will respond to/review projects on a priority basis. As we are working to prioritize projects, we ask that all of our preservation partners do the same. If a project is deemed to be high priority we invite you to set up a time to contact our offices by phone so that we can address the project needs appropriately. This extension and prioritizing request applies to all Historic Preservation and Cultural Resource Protection work, including ARPA, NEPA, NHPA Section 106, and NAGPRA projects.

Wanishi! Anushiik! Miigwech!

LARRY HEADY, Special Assistant  
Delaware Tribe Historic Preservation Office Midwest Extension Office  
1929 E. 6th Street, Duluth MN 55812  
lheady@delawaretribe.org  
(262) 825-7586

## Karen Wood

---

**From:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Sent:** Wednesday, April 8, 2020 2:36 PM  
**To:** Karen Wood; Miller, Shaun (INDOT)  
**Subject:** FW: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

---

**From:** Matthew Bussler <Matthew.Bussler@pokagonband-nsn.gov>  
**Sent:** Wednesday, April 08, 2020 2:34 PM  
**To:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Subject:** Automatic reply: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

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

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Bozho, Due to the current COVID-19 pandemic, we have minimized our workforce to essential staffing only. Please direct all correspondence to the department director. In the event this is an urgent request, please contact our main line at (269) 782-8998. Migwétth Thank you, Pokagon COVID-19 Task Force

## Karen Wood

---

**From:** Robert Phillips <robert.phillips@jeffersoncounty.in.gov>  
**Sent:** Wednesday, April 8, 2020 1:48 PM  
**To:** Karen Wood  
**Subject:** Re: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Karen,

Thanks for the information. I don't know of anything but wanted to pass along the projects similar to this on SR7 and SR250 turned out great. Looking forward to following this project to see it in 2023.

Good luck with the project,

BP

On Wed, Apr 8, 2020 at 1:29 PM Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)> wrote:

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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State Historic Preservation Officer

Indiana Landmarks Southern Regional Office

Jefferson County Historian

Jefferson County Historical Society Museum

Cornerstone Society, Inc.

Historic Madison Foundation, Inc.

## Karen Wood

---

**From:** Miller, Shaun (INDOT) <smiller@indot.IN.gov>  
**Sent:** Wednesday, April 22, 2020 3:00 PM  
**To:** Karen Wood  
**Cc:** Carpenter, Patrick A  
**Subject:** FW: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana – Comments of the Miami Tribe of Oklahoma  
**Attachments:** Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana – Comments of the Miami Tribe of Oklahoma.pdf

Hi Karen,

Please find attached a response to the ECL from the Miami Tribe accepting consulting party status.

Thank you,

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

---

**From:** Diane Hunter <dhunter@miamination.com>  
**Sent:** Wednesday, April 22, 2020 2:26 PM  
**To:** Miller, Shaun (INDOT) <smiller@indot.IN.gov>  
**Subject:** Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana – Comments of the Miami Tribe of Oklahoma

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

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Dear Mr. Miller:

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

Diane Hunter  
Tribal Historic Preservation Officer  
Miami Tribe of Oklahoma  
[dhunter@miamination.com](mailto:dhunter@miamination.com)  
918-541-8966





# Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355  
Ph: (918) 541-1300 • Fax: (918) 542-7260  
[www.miamination.com](http://www.miamination.com)



Via email: [smiller@indot.in.gov](mailto:smiller@indot.in.gov)

April 22, 2020

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

Re: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana – Comments of the Miami Tribe of Oklahoma

Dear Mr. Miller:

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

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

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

Respectfully,

Diane Hunter  
Tribal Historic Preservation Officer

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



May 4, 2020

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

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

Re: Early coordination letter for the SR 7 Slide Correction Project, from 0.50 mile to 0.78 mile north  
of SR 56, in Madison Township, Jefferson County (Des. No. 1801684; DHPA No. 25375)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” and the “Programmatic Agreement Among the Federal Highway Administration, the Indiana Department of Transportation, the Indiana Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Management and Preservation of Indiana Historic Bridges,” the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO staff” or “INDNR-DHPA”) has reviewed INDOT’s April 8, 2020 letter, which we received on the same date for the aforementioned project.

We thank you and INDOT for providing a list of, and e-mail addresses for, the invited consulting parties. We are not aware of any parties who should be invited to participate in the Section 106 consultation on this federal undertaking, beyond those whom INDOT already has invited. In your or INDOT’s next, regular correspondence on this project, please advise us as to which of the invited consulting parties has accepted the invitation.

As you indicated, the project is located within the Madison Historic District (NR-2038) that is listed in the National Register for Historic Places. We look forward to receiving the results of the cultural resource investigations that will be forthcoming.

In your next, regular correspondence on this project, please explain, for the benefit of all consulting parties, how this project differs in location or scope from an earlier project, Des. No. 1173314, SR 7 Slide Correction in the City of Madison, approximately 0.4 mile north of SR 56, for which FHWA made a Section 106 Adverse Effect finding on November 2, 2017, a Section 106 memorandum of agreement (“MOA”) was executed on January 25, 2018, and the Indiana Historic Preservation Review Board granted a certificate of approval on January 17, 2018.

Incidentally, we want to notify INDOT that the 2018 MOA as posted at IN SCOPE does not include Attachment A, which was to have included the area of potential effects map for Des. No. 1173314.

The structures reviewer for the Indiana SHPO staff is John Carr, and the archaeological reviewer is Beth K. McCord. However, if you have questions about the status of our review of a submission, about the kind of information to submit, or about a procedural issue, please contact initially an INDOT Cultural Resources Office staff member who is assigned to the project.

Karen Wood  
May 4, 2020  
Page 2

In all future correspondence regarding the SR 7 Slide Correction Project, Madison Township, Jefferson County (Des. No. 1801684), please refer to DHPA No. 25375.

Very truly yours,



Beth K. McCord  
Deputy State Historic Preservation Officer

BKM:JLC:jlc

emc: Erica Tait, FHWA  
Michelle Allen, FHWA  
Anuradha Kumar, INDOT  
Shaun Miller, INDOT  
Susan Branigin, INDOT  
Anthony Ross, Ph.D., INDOT  
C. David Moffatt, INDOT  
Mary Kennedy, INDOT  
Shirley Clark, INDOT  
Karen Wood, Green 3, LLC  
Beth K. McCord, INDNR-DHPA  
John Carr, INDNR-DHPA

## Karen Wood

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**From:** Karen Wood  
**Sent:** Monday, August 3, 2020 2:52 PM  
**To:** Jan Vetrhus  
**Subject:** FW: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

Jan,

Please see below for the designer's response regarding the run-off. Please let me know if you have any further comments.

Thank you,

*Karen Wood*

Environmental and Cultural Resources Manager

g r e e n • 3



Historic Fountain Square  
1104 Prospect Street  
Indianapolis, IN 46203

p 317.634.4110  
f 866.422.2046 (toll free)

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

*George Trevelyan*

---

**From:** Greg Wendling <[gwendling@usiconsultants.com](mailto:gwendling@usiconsultants.com)>  
**Sent:** Friday, July 31, 2020 8:43 AM  
**To:** Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)>  
**Subject:** RE: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

The proposed project will be installing new inlets along the east side of the roadway and reconstructing the ditch.

The drainage on this side of the road is being piped to the west side of the road.

No increase in runoff to the cemetery will occur.

greg

---

**From:** Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)>  
**Sent:** Thursday, July 16, 2020 11:40 AM  
**To:** Greg Wendling <[gwendling@usiconsultants.com](mailto:gwendling@usiconsultants.com)>  
**Subject:** FW: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greg,

I received the below email from Jan Vetrhus who is a consulting party for Section 106 of this project. She had a question about the Springdale Cemetery, which is located on the east side at the bottom of the hill along SR 7 south of the project area for Des. No. 1801684. I told her that this project was north of the cemetery and would not have an impact on it.

Her comment below is: *"If none of the run-off can impact the Cemetery, probably not. Water & riprap flowing downhill into the cemetery was the problem before. As long as this project doesn't force more run-off onto the graves it shouldn't be a concern."*

Could you confirm that any work under Des 1801684 will not have an impact upon the cemetery? Or if there will be, what the possible impacts would be?

Thank you,

*Karen Wood*

Environmental and Cultural Resources Manager



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

---

**From:** Jan Vetrhus <[janvetrhus@gmail.com](mailto:janvetrhus@gmail.com)>  
**Sent:** Thursday, July 16, 2020 11:12 AM  
**To:** Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)>  
**Subject:** Re: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

If none of the run-off can impact the Cemetery, probably not. Water & riprap flowing downhill into the cemetery was the problem before. As long as this project doesn't force more run-off onto the graves it shouldn't be a concern.

Sent from my iPhone

On Jul 16, 2020, at 9:35 AM, Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)> wrote:

Hi Jan,

I apologize for not responding to your email regarding this project. No one from the Springdale Cemetery is included because the project area is north of the cemetery property and this project will have no impact on it.

This is not the same project from a couple of years ago, that was Des. No. 1173314. This project under Des. No. 1801684 has a similar scope of creating the soil nail wall but it is north of the cemetery. Would you still recommend the cemetery being involved?

Thank you,

*Karen Wood*

Environmental and Cultural Resources Manager

<image001.jpg>

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

*George Trevelyan*

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**From:** Jan Vetrhus <[janvetrhus@gmail.com](mailto:janvetrhus@gmail.com)>

**Sent:** Wednesday, April 8, 2020 1:51 PM

**To:** Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)>

**Subject:** Re: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana

I notice that no one from Springdale Cemetery is included. Given the damage that was done by earlier attempts, I think they should be.

Is this the same project that we discussed a couple years ago?

Jan

Sent from my iPhone

On Apr 8, 2020, at 1:29 PM, Karen Wood <[karen@green3studio.com](mailto:karen@green3studio.com)> wrote:

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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

State Historic Preservation Officer  
Indiana Landmarks Southern Regional Office  
Jefferson County Historian  
Jefferson County Historical Society Museum  
Cornerstone Society, Inc.

## Karen Wood

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**From:** Karen Wood  
**Sent:** Monday, November 23, 2020 10:00 AM  
**To:** 'McCord, Beth K'; 'Slider, Chad (DNR)'; 'janvetrus@gmail.com'; 'preservation@madison-in.gov'; 'robert.phillips@jeffersoncounty.in.gov'; 'tomdavee78@gmail.com'  
**Cc:** 'Carpenter, Patrick A'; 'smiller@indot.in.gov'; 'Branigin, Susan'; 'akumar@indot.in.gov'; Heather Dewey; 'Fortson, William'; 'Dye, David'; 'Ross, Anthony'; Victoria Veach; 'Greg Wendling'  
**Subject:** FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7slidecorrection\_Des1801684\_reportdistribletter\_2020-11-20.pdf

**Des. No.:** 1801684

**Project Description:** A Slide Correction Project

**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the State Road (SR) 7 Slide Correction Project, Des. No. 1801684. The Section 106 Early Coordination Letter for this project was originally distributed on April 8, 2020.

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

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

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

Thank you in advance for your input,

Sincerely,

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



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

## Karen Wood

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**From:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Sent:** Monday, November 23, 2020 11:02 AM  
**To:** Diane Hunter; matthew.bussler@pokagonband-nsn.gov; Larry Heady  
**Cc:** Miller, Shaun (INDOT); Allen, Michelle (FHWA); Karen Wood; Branigin, Susan  
**Subject:** FW: FHWA Project: Des. No. 1801684; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7slidecorrection\_Des1801684\_reportdistribletter\_2020-11-20.pdf

Dear Consulting Parties,

**Des. No.:** 1801684  
**Project Description:** A Slide Correction Project  
**Location:** Madison, Jefferson County, Indiana

The Indiana Department of Transportation, with funding from the Federal Highway Administration, proposes to proceed with the State Road (SR) 7 Slide Correction Project, Des. No. 1801684. The Section 106 Early Coordination Letter for this project was originally distributed on April 8, 2020.

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

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

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

Thank you in advance for your input,

Sincerely,

Patrick Carpenter  
Section 106 Specialist, Cultural Resources Office  
Environmental Services  
Indiana Department of Transportation  
100 N Senate Ave., IGCN- Room N758-ES  
Indianapolis, IN 46204-2216  
**317-416-7960\***

\*Please note new phone number.





# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

**Eric Holcomb, Governor**  
**Joe McGuinness, Commissioner**

November 20, 2020

This letter was sent to the listed parties.

RE: Dual Review Project SR 7 Slide Correction Project, Des. No. 1801684, Jefferson County, Indiana, DHPA No. 25375

Dear Consulting Party,

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the State Road (SR) 7 Slide Correction Project, Des. No. 1801684.

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

A Section 106 early coordination letter was distributed on April 8, 2020.

The proposed undertaking is on SR 7 from 0.50 mile to 0.78 mile north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangles, in Section 34, Township 4 North, Range 10 East.

The purpose of this project is to keep SR 7 operating in a safe manner, correcting the safety and mobility concerns from the slides. The need for this project is based on the fact that there are three locations within the project area experiencing slides.

SR 7 is an urban principal arterial roadway, consisting of two 12-foot-wide travel lanes with variable width shoulders from 0-2 feet wide. This section of SR 7 traverses from the lower elevation of downtown Madison Indiana, to the higher ground to the north. The average profile grade through the project is 7.4%. The roadway is built on the side of a hill with cut slopes on the eastside of the roadway and steep drop-offs along the west side of the roadway. Within the project limits there are 5 inlets on the inside of the roadway with cross culvert pipes that outlet to the outside.

The proposed undertaking involves utilizing soil nails to stabilize the downslope of roadway embankment. Soil nails are usually constructed design/build with a performance-based specification. A shotcrete face to the wall shall be provided. Additionally, curb and gutters along the present downslope side in front of the soil wall would be implemented to help redirect water from behind the soil wall, increasing stability of the soil wall.

Within the project limits, the roadway would be milled and resurfaced, inlets cleaned, pipe replaced, upslope paved side ditch repaired, and guardrail replaced.

Please note, since the early coordination letter dated April 8, 2020, there has been a modification to the scope of this project. On the north end of the slide correction area is a culvert, CV 007-039-00.80, in which the inspection report conducted on April 2, 2020 noted extensive cracking and spalls on the east side headwall and wingwalls. The guardrail on the west side is damaged and the anchors are detached from the base. The west side embankment is eroding, and the culvert box has cracking on the west side on the underside of the top of the box. This project will now replace the damaged headwall and stabilize the ground on the south side of the culvert.

SR 7 will be closed for an expected 120 days to allow for the implementation of this project. The detour proposed will route traffic to SR 56, US 421, and SR 62. It was anticipated that a total of 0.96 acre permanent right-of-way will be required; it is currently at 0.91 acre. Letting is planned in 2023.

SJCA Inc. (formerly Green 3, LLC) is under contract with INDOT to advance the environmental documentation for the referenced project.

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

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

Please note that, per the permanent rule issued by the Indiana Department of Natural Resources effective August 14, 2013 (312 IAC 20-4-11.5), INDOT is requesting that this project be subjected to "dual review"; that is, reviewed by the Division of Historic Preservation and Archaeology simultaneously under 54 U.S.C. 306108 (Section 106) and IC 14-21-1-18 (Indiana Preservation and Archaeology Law dealing with alterations of historic sites and structures requiring a Certificate of Approval). Pursuant to Section 11.5(f) of this rule, at the conclusion of the review process we anticipate that the Division Director would issue a letter of clearance exempting this project from obtaining a Certificate of Approval under IC 14-21-1-18. Enclosed with this letter is a detailed list of the consulting parties with contact information, including email addresses, for processing the dual review submission.

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains one resource listed in the National Register of Historic Places (NRHP), the Madison Historic District, NR-2038.

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, no above-ground resources are recommended as eligible for listing in the NRHP.

With regard to archaeological resources, Christopher Jackson, M.S., RPA, an INDOT Qualified Professional archaeologist, reviewed the proposed project area and determined that the proposed slide correction of SR 7 (Des 1801684) in Jefferson County will not likely affect archaeological resources based on the project setting. In the location of the proposed project area, SR 7 was mechanically cut into a hillslope that slopes steeply downhill to the west and to a valley of an unnamed tributary of Crooked Creek. The slope was graded level for the highway and adjacent ditches. Soils in the project area are from the Eden-Caneyville complex with 25 to 60 percent slopes (United States Department of Agriculture 2019); thereby making the presence of intact, significant archaeological resources unlikely. According to SHAARD and SHAARD GIS, which was examined on October 14, 2020, one archaeological site (12-Je-568) has been recorded near the project area. The site was documented by the Cultural Resources Office of INDOT during a Phase IA archaeological survey of a proposed slide correction on SR 7 immediately south of the current project area (Moffatt 2017). The site consisted of two stone retaining walls that appear to have been constructed during the mid-19<sup>th</sup> century. It was recommended that the site was not eligible for listing on the NRHP under Criterion D; however, it is a contributing resource to the NRHP listed Madison Historic District (Moffatt 2017). A survey of above-ground resources for the current project documented the retaining wall (Wood 2020), which indicates that the site does extend into the project area. No other stone retaining walls have been observed within the project area that need evaluation. Given that the site has been determined to be not eligible for placement on the NRHP under Criterion D, and that the possibility for additional archaeological resources is limited due to the topography, there are no archaeological concerns and no further work is recommended. However, state law (Indiana Code 14-21-1-27 and -29) requires that if any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earth moving activities, the discovery must be report to the Department of Natural Resources within two (2) business days.

On April 8, 2020, Jan Vetrhus asked if a representative of the Springdale Cemetery (located southeast of the proposed project's location) will be contacted due to damage caused by a previous project and if this project was the same one discussed a couple of years ago. Green 3, LLC responded that this was a new project located north of the cemetery and that previous project was under Des. No. 1173314. Green 3 then asked Vetrhus if the cemetery should still be included as a consulting party. Vetrhus responded, stating that "if none of the run-off can impact the Cemetery, then probably not. Water & riprap flowing downhill into the cemetery was the problem before. As long as this project doesn't force more run-off onto the graves, it shouldn't be a concern." After discussions with the project designer, it was determined that no increase in runoff to the cemetery will occur because the proposed new inlets and reconstructed ditch on the east side of the roadway will be piped to the west side of the road. See the email correspondence enclosed.

On April 8, 2020, the City of Madison accepted consulting party status and commented that "if there is historic material such as a retaining wall, the City of Madison does not have room to store that material at any of our facilities."

On April 8, 2020, the Delaware Tribe of Indians accepted consulting party status.

On April 8, 2020, the Pokagon Band of Potawatomi Indians accepted consulting party status.

On April 8, 2020, the Jefferson County Highway Department accepted consulting party status.

On April 22, 2020, the Miami Tribe of Oklahoma accepted consulting party status, offering no objection at this time.

On May 4, 2020, the Indiana State Historic Preservation Officer (SHPO) staff responded that they were "not aware of any parties who should be invited to participate in the Section 106 consultation on this federal

undertaking, beyond those whom INDOT already has invited.” They requested that they be advised as to which of the invited parties have accepted the invitation. Additionally, the SHPO staff asked for an explanation of “how this project differs in location or scope from an earlier project, Des. No. 1173314, SR 7 Slide Correction in the City of Madison, approximately 0.4 mile north of SR 56, for which FHWA made a Section 106 Adverse Effect finding on November 2, 2017, a Section 106 memorandum of agreement (‘MOA’) was executed on January 25, 2018, and the Indiana Historic Preservation Review Board granted a certificate of approval on January 17, 2018.” SHPO staff also commented that the MOA that is posted on IN SCOPE did “not include Attachment A, which was to have included the area of potential effects map for Des. No. 1173314.”

In response, the current project under Des. No. 1801684 takes place approximately 350 feet north of the northern limits of the previous project under Des. No. 1173314. The current scope under Des. No. 1801684 is similar to that of the scope under Des. No. 1173314 in which a soil nail wall will be constructed on the western slope of SR 7, roadway surface improvements and guardrail replacement. Additionally, under Des. No. 1801684, there will be drainage improvements. Please see the attached APE maps for each Des. No. for reference. Approximately 3.2 feet of a stone retaining wall, a contributing resource to the Madison Historic District, NR-2038, of which 99 feet was removed from the 479 feet long wall under Des. No. 1173314, has been observed at the southern project limits under Des. No. 1801684. It is anticipated that there will be no removal or disturbance of this portion of the stone retaining wall within the project limits; the proposed construction of the new soil nail wall will abut the existing stone retaining wall without a gap. Future plan sheets will insert a “Do not disturb” notation for the stone retaining wall. Additionally, Attachment A of the MOA under Des. No. 1173314 has been posted on IN SCOPE.

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

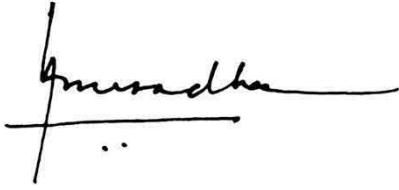
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting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

For questions concerning specific project details, you may contact Karen Wood of SJCA Inc. at 317-634-4110 or [karen@sjcainc.com](mailto:karen@sjcainc.com). All future responses regarding the proposed project should be forwarded to SJCA Inc. at the following address:

Karen Wood  
Environmental and Cultural Resources Manager  
SJCA Inc.  
1104 Prospect Street  
Indianapolis, Indiana, 46203  
[karen@sjcainc.com](mailto:karen@sjcainc.com)

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

Sincerely,



Anuradha V. Kumar, Manager  
Cultural Resources Office  
Environmental Services

Enclosures:

Jan Vetrhus email correspondence with Green 3, April to August 2020  
City of Madison email to Green 3 dated April 8, 2020  
Delaware Tribe of Indians email to INDOT dated April 8, 2020  
Pokagon Band of Potawatomi Indians email to INDOT dated April 8, 2020  
Jefferson County Highway Department email to Green 3 dated April 8, 2020  
Miami tribe of Oklahoma letter to INDOT dated April 22, 2020  
DHPA letter to Green 3 dated May 4, 2020  
Des. No. 1173314 APE map  
Des. No. 1801684 APE map

Distribution List:

Indiana SHPO, [bmccord@dnr.in.gov](mailto:bmccord@dnr.in.gov), [jcarr@dnr.in.gov](mailto:jcarr@dnr.in.gov)  
Jan Vetrhus, [janvetrhus@gmail.com](mailto:janvetrhus@gmail.com)  
City of Madison / Madison Historic District Board of Review, [preservation@madison-in.gov](mailto:preservation@madison-in.gov)  
Jefferson County Highway Department, [robert.phillips@jeffersoncounty.in.gov](mailto:robert.phillips@jeffersoncounty.in.gov)  
Miami tribe of Oklahoma  
Pokagon Band of Potawatomi Indians  
Delaware Tribe of Indians  
Springhills Investments, Inc.\* (property owner within Madison Historic District), [tomdavee78@gmail.com](mailto:tomdavee78@gmail.com)

\*consulting party added for first time

References Cited

Moffatt, David

2017 *Archaeological Records Check and Field Reconnaissance for the Proposed Slide Correction along SR 7 at Hanging Rock Hill in Madison, approximately 0.4 Miles North of SR 56 (Des. No. 1173314), Jefferson County, Indiana*. Cultural Resources Office of Indiana Department of Transportation. Submitted to Indiana Department of Transportation, Seymour District, Seymour, Indiana.

United States Department of Agriculture

2019 Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov>. accessed 14 October 2020.

Wood, Karen

2020 *Historic Property Short Report: SR 7 Slide Correction Project, City of Madison, Jefferson County, Indiana (Des1801684)*. Green 3. Submitted to USI Consultants, Indianapolis.



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



December 22, 2020

Karen Wood  
Environmental and Cultural Resources Manager  
SJCA  
1104 Prospect Street  
Indianapolis, Indiana 46203

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

Re: DUAL REVIEW: Historic property short report (Wood, 10/2020) for the SR 7 Slide Correction  
Project, from 0.50 mile to 0.78 mile north of SR 56, in Madison Township, Jefferson County  
(Des. No. 1801684; DHPA No. 25375)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” and Indiana Code 14-21-1-18, and 312 Indiana Administrative Code (“IAC”) 20-4, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO staff” or “DNR-DHPA”) has reviewed INDOT’s November 20, 2020 letter and enclosed historic property short report (“HPSR”) which we received on the same date for the aforementioned project.

INDOT is requesting that this project which is to be funded by both FHWA and INDOT, now be made subject to Dual Review, Pursuant to 312 Indiana Administrative Code (“IAC”) 20-4-11.5. The wording of the Dual Review rule strongly implies that Dual Review is to be requested at the outset of the federal Section 106 review process. We believe the purpose of that timing is to ensure that all interested persons (which includes Section 106 consulting parties) and members of the Indiana Historic Preservation Review Board (“Review Board”) are notified of the project early on, so that they can follow along at each step of the review process. The early coordination letter for this project was distributed by INDOT on April 8, 2020 and initiated consultation. We believe interested persons still have adequate time to become familiar with the issues in this project, and we would agree that the review process could proceed from this point forward as a Dual Review.

Accordingly, by copy of this letter, **DNR-DHPA is providing notification of the commencement of the Dual Review to interested persons and members of the Review Board.** Notice of the commencement will also be posted on the division’s website ([www.in.gov/dnr/historic/7440.htm](http://www.in.gov/dnr/historic/7440.htm)). For the benefit of those recipients of this letter who are not Section 106 consulting parties, please be aware that a copy of INDOT’s April 8th submissions on this project can be found online at <http://erms.indot.in.gov/Section106Documents/>. From there, search by this project’s designation number: 1801694.

Thank you for explaining how this project differs from the earlier SR 7 Slide Correction project, Des. No. 1173314, that is in close proximity. We understand this is a similar, but separate undertaking. We also appreciate that Attachment A of the MOA for Des. No. 1173314 has been posted on INSCOPE.

We acknowledge that the scope of this project now includes work at a culvert, CV 007-039-00.80, at the north end of project.

The proposed area of potential effects (“APE”) appears to be of adequate size to encompass the geographic area in which direct or indirect effects of a project of this nature could occur.

We agree with the conclusion of the HSPR (Wood, 10/2020) that the Madison Historic District (NR-2038) is the only historic resource listed in the National Register for Historic Places (“NRHP”) in the APE. Further, we agree there are no other historic properties eligible for listing in the NRHP within the APE.

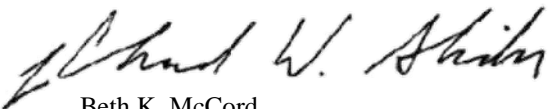
Based upon on the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP within the proposed project area, which, we note, has not been subjected to archaeological investigations. However, this identification is subject to the ground-disturbing project-related activities remaining within areas disturbed by previous construction of a recent and non-historic nature. If archaeological deposits are encountered, they will be evaluated regarding their eligibility for the NRHP in consultation with the staff at the Indiana SHPO. Please contact our office if such deposits are encountered. The archaeological recording must be done in accordance with the Secretary of the Interior’s “Standards and Guidelines for Archaeology and Historic Preservation” (48 F.R. 44716) and a report of the archaeological documentation must be submitted to our office for review and comment.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the DNR-DHPA within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. Part 800.

The structures reviewer for the Indiana SHPO staff is Chad Slider, and the archaeological reviewer is Beth K. McCord. However, if you have questions about the status of our review of a submission, about the kind of information to submit, or about a procedural issue, please contact initially an INDOT Cultural Resources Office staff member who is assigned to the project.

In all future correspondence regarding the SR 7 Slide Correction Project, Madison Township, Jefferson County (Des. No. 1801684), please refer to DHPA No. 25375.

Very truly yours,



Beth K. McCord  
Deputy State Historic Preservation Officer

BKM:CWS:cws

E-mail copies to consulting parties, consultants and interested parties:

Erica Tait, FHWA  
Michelle Allen, FHWA  
Anuradha Kumar, INDOT  
Shaun Miller, INDOT Susan Branigin, INDOT  
Anthony Ross, Ph.D., INDOT  
David Moffatt, INDOT  
Karen Wood, Green 3, LLC  
Madison Historic District Board Review  
Jefferson County Highway Department  
Jan Vetrhus  
Springhills Investments, Inc.  
Miami Tribe of Oklahoma  
Pokagon Bad of Potawatomi Indians  
Delaware Tribe of Indians  
Beth K. McCord, DNR-DHPA  
Chad Slider, DNR-DHPA

E-mail copies to Indiana Historic Preservation Review Board members:

J. Scott Keller, Review Board  
Anne Shaw, Review Board  
Daniel Kloc, AIA, Review Board  
Jason Larrison, AIA, Review Board  
Chandler Lighty, Review Board  
April Sievert, Ph.D., Review Board  
Christopher Smith, Deputy Director, DNR, and Chairman, Review Board

## Karen Wood

---

**From:** Karen Wood  
**Sent:** Monday, May 17, 2021 10:42 AM  
**To:** McCord, Beth K; Slider, Chad (DNR); janvetrhus@gmail.com; Nicole Schell; robert.phillips@jeffersoncounty.in.gov; tomdavee78@gmail.com  
**Cc:** Carpenter, Patrick A; 'smiller@indot.in.gov'; Branigin, Susan; 'akumar@indot.in.gov'; Heather Dewey; Fortson, William; Dye, David; Ross, Anthony; Victoria Veach  
**Subject:** FHWA Project: Des. No. 1801684; 800.11; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7SlideCorrection\_Des1801684\_RDL\_2021-5-17.pdf

**Des. No.: 1801684**

**Project Description: Slide Correction Project**

**Location: Madison, Jefferson County, Indiana**

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Shaun Miller at [smiller@indot.in.gov](mailto:smiller@indot.in.gov) or 317-416-0876 or Kari Carmany-George at FHWA at [K.CarmanyGeorge@dot.gov](mailto:K.CarmanyGeorge@dot.gov) or 317-226-5629.

Thank you in advance for your input,

**Karen Wood**  
**Environmental & Cultural Resource Manager**

**SJCA Inc.**  
1104 Prospect Street  
Indianapolis, IN 46203

Tel: 317-566-0629 | Mobile: 317-847-9856





## Karen Wood

---

**From:** Carpenter, Patrick A <PACarpenter@indot.IN.gov>  
**Sent:** Monday, May 17, 2021 11:02 AM  
**To:** Diane Hunter; matthew.bussler@pokagonband-nsn.gov; Larry Heady  
**Cc:** Karen Wood; Miller, Shaun (INDOT); Carmany-George, Karstin (FHWA)  
**Subject:** FHWA Project: Des. No. 1801684; 800.11; SR 7 Slide Correction Project, Jefferson County, Indiana  
**Attachments:** SR7SlideCorrection\_Des1801684\_RDL\_2021-5-17.pdf

Dear Consulting Parties,

**Des. No.: 1801684**  
**Project Description: Slide Correction Project**  
**Location: Madison, Jefferson County, Indiana**

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684.

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

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

Tribal contacts may contact Shaun Miller at [smiller@indot.in.gov](mailto:smiller@indot.in.gov) or 317-416-0876 or Kari Carmany-George at FHWA at [K.CarmanyGeorge@dot.gov](mailto:K.CarmanyGeorge@dot.gov) or 317-226-5629.

Thank you in advance for your input,

Patrick Carpenter  
Section 106 Specialist, Cultural Resources Office  
Environmental Services  
Indiana Department of Transportation  
100 N Senate Ave., IGCN- Room N758-ES  
Indianapolis, IN 46204-2216  
**317-416-7960\***

\*Please note new phone number.



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758-ES  
Indianapolis, Indiana 46204

PHONE: (317) 296-0799

**Eric Holcomb, Governor**  
**Joe McGuinness, Commissioner**

May 17, 2021

This letter was sent to the listed parties.

RE: Dual Review Project Des. No. 1801684; DHPA No. 25375; SR 7 Slide Correction Project, Jefferson County, Indiana

Dear Consulting Party,

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 7 Slide Correction Project, Des. No. 1801684

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

A Section 106 early coordination letter was distributed on April 8, 2020. A Historic Property Short Report (HPSR) was distributed to consulting parties on November 20, 2020 for review and comment.

The proposed undertaking is on SR 7 from 0.50 mile to 0.78 north of SR 56 in Jefferson County, Indiana. It is within Madison Township, Madison West USGS Topographic Quadrangle, in Section 34, Township 4 North, and Range 10 East.

The purpose of this project is to keep SR 7 operating in a safe manner, correcting the safety and mobility concerns from the slides. The need for this project is based on the fact that there are three locations within the project area experiencing slides.

SR 7 is an urban principal arterial roadway, consisting of two 12-foot-wide travel lanes with variable width shoulders from 0-2 feet wide. This section of SR 7 traverses from the lower elevation of downtown Madison Indiana, to the higher ground to the north. The average profile grade through the project is 7.4%. The roadway is built on the side of a hill with cut slopes on the eastside of the roadway and steep drop-offs along the west side of the roadway. Within the project limits there are 5 inlets on the inside of the roadway with cross culvert pipes that outlet to the outside.

The proposed undertaking involves utilizing soil nails to stabilize the downslope of roadway embankment the entire length of the project limits. A 1400' soil nailed wall will be placed along the entire length of the project limits between the historic stone retaining wall to the south and the culvert, CV 007-039-00.80, to the north. Concrete curb and gutters will be placed along the present downslope side in front of the soil wall, redirecting water from behind the soil wall and increasing stability of the soil wall. The roadway is proposed to be milled and resurfaced, existing



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inlets removed and replaced, all 5 existing 24" pipes replaced with 10-foot-wide HMA patching, the existing upslope paved side ditch repaired with a uniform riprap lined ditch, new installation of riprap lined ditches at each of the 5 pipe outlets, existing guardrail removed and replaced, and the existing shoulder removed and replaced with aggregate. There will be some tree clearing in the downslope area of the roadway for construction access. At the bottom of the downslope, mulched seeding will be placed to the construction limits.

On the north end of the slide correction area is a culvert, CV 007-039-00.80, in which the inspection report conducted on April 2, 2020 noted extensive cracking and spalls on the east side headwall and wingwalls. The guardrail on the west side is damaged and the anchors are detached from the base. The west side embankment is eroding, and the culvert box has cracking on the west side on the underside of the top of the box. This project proposes to replace the damaged headwall and stabilize the ground on the south side of the culvert.

SR 7 will be closed for an expected 120 days to allow for the implementation of this project. The detour proposed will route traffic to SR 56, US 421, and SR 62. It is anticipated that a total of 0.96 acre permanent right-of-way will be required. Letting is planned in 2023.

SJCA Inc. is under contract with INDOT to advance the environmental documentation for the referenced project.

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

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

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains one resource, the Madison Historic District (NR-2038) listed in the National Register of Historic Places (NRHP).

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP. As a result of the historic property identification and evaluation efforts, no above-ground resources are recommended as eligible for listing in the NRHP.

With regard to archaeological resources Christopher Jackson, M.S., RPA, an INDOT Qualified Professional archaeologist, reviewed the proposed project area and determined that the proposed slide correction of SR 7 (Des 1801684) in Jefferson County will not likely affect archaeological resources based on the project setting. In the location of the proposed project area, SR 7 was mechanically cut into a hillslope that slopes steeply downhill to the west and to a valley of an unnamed tributary of Crooked Creek. The slope was graded level for



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the highway and adjacent ditches. Soils in the project area are from the Eden-Caneyville complex with 25 to 60 percent slopes (United States Department of Agriculture 2019); thereby making the presence of intact, significant archaeological resources unlikely. According to SHAARD and SHAARD GIS, which was examined on October 14, 2020, one archaeological site (12-Je-568) has been recorded near the project area. The site was documented by the Cultural Resources Office of INDOT during a Phase IA archaeological survey of a proposed slide correction on SR 7 immediately south of the current project area (Moffatt 2017). The site consisted of two stone retaining walls that appear to have been constructed during the mid-19th century. It was recommended that the site was not eligible for listing on the NRHP under Criterion D; however, it is a contributing resource to the NRHP listed Madison Historic District (Moffatt 2017). A survey of above-ground resources for the current project documented the retaining wall (Wood 2020), which indicates that the site does extend into the project area. No other stone retaining walls have been observed within the project area that need evaluation. Given that the site has been determined to be not eligible for placement on the NRHP under Criterion D, and that the possibility for additional archaeological resources is limited due to the topography, there are no archaeological concerns and no further work is recommended. However, state law (Indiana Code 14-21-1-27 and -29) requires that if any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earth moving activities, the discovery must be report to the Department of Natural Resources within two (2) business days.

In a letter dated December 22, 2020, the Indiana State Historic Preservation Officer (SHPO) staff commenced notification of the Dual Review to interested persons and members of the Review Board. SHPO staff also acknowledged the differences to another slide correction project along SR 7 under Des. No. 1173314 and how this project under Des. No. 1601864 is “a similar but separate undertaking.” SHPO staff agreed with the size of the APE in the HPSR (Wood, October 2020) and the conclusions of the HPSR that “the Madison Historic District (NR-2038) is the only historic resources eligible for listing in the NRHP within the APE.”

In regard to archaeology, the SHPO staff stated that “based on the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP within the proposed project area, which, we note, has not been subjected to archaeological investigations. However, this identification is subject to the ground-disturbing project-related activities remaining within areas disturbed by previous construction of a recent and non-historic nature.” SHPO staff continued to state that if archaeological deposits are found, then to contact the SHPO staff and then a report must be completed “in accordance with the Secretary of Interior’s ‘Standards and Guidelines for Archaeology and Historic Preservation (48 F.R. 44716) and a report of the archaeological documentation must be submitted to our office for review and comment.”

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

Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not



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respond to this letter, you will not be included on the list of consulting parties for this project and will not receive further information about the project unless the design changes. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

For questions concerning specific project details, you may contact Karen Wood of SJCA Inc. at 317-634-4110 or [kwood@sjcainc.com](mailto:kwood@sjcainc.com). All future responses regarding the proposed project should be forwarded to SJCA Inc. at the following address:

Karen Wood  
Environmental and Cultural Resources Manager  
SJCA Inc.  
1104 Prospect Street  
Indianapolis, Indiana, 46203  
[kwood@sjcainc.com](mailto:kwood@sjcainc.com)

Tribal contacts may contact Shaun Miller at [smiller@indot.in.gov](mailto:smiller@indot.in.gov) or 317-416-0876 or Kari Carmany-George at FHWA at [K.CarmanyGeorge@dot.gov](mailto:K.CarmanyGeorge@dot.gov) or 317-226-5629.

Sincerely,

Anuradha V. Kumar, Manager  
Cultural Resources Office  
Environmental Services

Enclosures:  
800.11 Documentation (available via IN SCOPE)

Distribution List:  
Indiana SHPO, [bmccord@dnr.in.gov](mailto:bmccord@dnr.in.gov), [cslider@dnr.in.gov](mailto:cslider@dnr.in.gov)  
Jan Vetrhus, [janvetrhus@gmail.com](mailto:janvetrhus@gmail.com)  
City of Madison / Madison Historic District Board of Review, [preservation@madison-in.gov](mailto:preservation@madison-in.gov)  
Jefferson County Highway Department, [robert.phillips@jeffersoncounty.in.gov](mailto:robert.phillips@jeffersoncounty.in.gov)  
Springhills Investments, Inc. (property owner within Madison Historic District), [tomdavee78@gmail.com](mailto:tomdavee78@gmail.com)  
Miami Tribe of Oklahoma  
Pokagon Band of Potawatomi Indians  
Delaware Tribe of Indians



# INDIANA DEPARTMENT OF TRANSPORTATION

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**Eric Holcomb, Governor**  
**Joe McGuinness, Commissioner**

## References Cited

Moffatt, David

2017 *Archaeological Records Check and Field Reconnaissance for the Proposed Slide Correction along SR 7 at Hanging Rock Hill in Madison, approximately 0.4 Miles North of SR 56 (Des. No. 1173314), Jefferson County, Indiana.* Cultural Resources Office of Indiana Department of Transportation. Submitted to Indiana Department of Transportation, Seymour District, Seymour, Indiana.

United States Department of Agriculture

2019 Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov>. accessed 14 October 2020.

Wood, Karen

2020 *Historic Property Short Report: SR 7 Slide Correction Project, City of Madison, Jefferson County, Indiana (Des1801684).* Green 3. Submitted to USI Consultants, Indianapolis.

Excerpts from Historic Property Report  
(SJCA Inc., October 2020)



**SR 7 Slide Correction Project**  
HISTORIC PROPERTY SHORT REPORT

**City of Madison, Jefferson County, Indiana**  
**Des. No. 1801684; DHPA No. 25375**

October 2020



Prepared for:  
USI Consultants, Inc.  
8415 E 56<sup>th</sup> St. Ste A  
Indianapolis, IN 46216

By:

A handwritten signature in black ink that reads "Karen Wood".

Karen Wood  
Environmental and Cultural Resources Manager / QP  
SJCA Inc.  
Historic Fountain Square  
1104 Prospect Street  
Indianapolis, IN 46203

p. 317.634.4110

f. 866.422.2046

kwood@sjcainc.com





## **Management Summary**

This report documents the identification and evaluation efforts for properties included in the Area of Potential Effects (APE) for the SR 7 Slide Correction Project in Madison Township, Jefferson County, Indiana (Des. No. 1801684). Above-ground resources located within the project APE were identified and evaluated in accordance with Section 106, National Historic Preservation Act (NHPA) of 1966, as amended, and the regulations implementing Section 106 (36 CFR Part 800).

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

The APE contains one property listed in the National Register: the Madison Historic District (NR-2163).

The APE contains no properties that are recommended eligible for listing in the National Register.



Photo Location and Orientation Map (1:4,000)  
 Slide Correction  
 State Road (SR) 7  
 Des. No. 1801684  
 Madison, Jefferson County, Indiana  
 Source: Green 3, LLC Field Survey

Building Number 29, Wards 13-14

Building Number 28, Wards 11-12

Building Number 27, Wards 9-10

Building Number 26, Wards 7-8

Building Number 24, Ward 5

Headstart Building

Hospitals Building

UNKNOWN RR

WESTWOOD DR

MICHIGAN RD

AUTUMNWOOD LN

AUTUMNWOOD CT

WESTWOOD LN

MAYWOOD LN

House

Shadrack Wilbur House

Photo 2

Photo 1

Photo 4

Photo 5

Photo 6

Photo 8

Photo 9

Photo 7

Photo 10

Photo 12

Photo 11




Photo 13

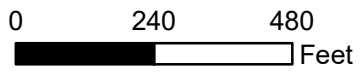
Photo 14

7



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

-  Photo\_Locations
-  Project\_Area
-  APE



10/23/2020

D56