

Appendix C:

Early Coordination

The following agencies received Early Coordination Letters:

United States Fish and Wildlife Service (USFWS)

Elizabeth McCloskey
Northern Indiana Sub Office
PO BOX 2616
Chesterton, IN 46304
elizabeth_mccloskey@fws.gov

United States Environmental Protection Agency (USEPA), Region 5

Valerie Bosscher
Sole Source Aquifer Coordinator
Ground Water and Drinking Water Branch
77 West Jackson Boulevard, WG-15J
Chicago, IL 60604
bosscher.valerie@epa.gov

Natural Resource Conservation Service (NRCS)

Rick Neilson
6013 Lakeside Boulevard
Indianapolis, IN 46278
rick.neilson@in.usda.gov

Indiana Geological Survey (IGS)

Environmental Geology Section
611 North Walnut Grove
Bloomington, IN 47405
<https://igs.indiana.edu/eassessment/>

United States Army Corps of Engineers (USACE)-Detroit District

Paul Allerding
477 Michigan Ave.
Detroit, MI 48226-2550
Paul.H.Allerding@usace.army.mil;
Charles.A.Uhlarik@usace.army.mil

Indiana Department of Transportation (INDOT)

Karen Novak
Fort Wayne District-Environmental Services
5333 Hatfield Rd.
Fort Wayne, IN 46808
knovak@indot.in.gov

Indiana Department of Transportation (INDOT)

Ron Bales
Central Office Environmental Services
100 N. Senate Ave IGCN 642
Indianapolis, IN 46204
rbales@indot.in.gov

Indiana Department of Transportation (INDOT)

Ricky Clark & Mary Wright
Public Involvement Office
100 N. Senate Ave IGCN 462
Indianapolis, IN 46204
rclark@indot.in.gov
mwright@indot.in.gov

Indiana Department of Environmental Management (IDEM)

Automatic Coordination Website:
http://www.in.gov/idem/enviroreview/hwy_earlyenviroreview.html

Indiana Department of Environmental Management (IDEM)

Chief, Groundwater Section
100 N Senate Avenue
Indianapolis, IN 46204
jsulliva@idem.in.gov

Indiana Department of Natural Resources (IDNR)

Division of Fish and Wildlife
Room W273
402 West Washington Street
Indianapolis, IN 46204
environmentalreview@dnr.in.gov

Federal Highway Administration (FHWA)

Joyce Newland
Federal Office Building, Room 254
575 North Pennsylvania Street
Indianapolis, IN 46204
Joyce.Newland@dot.gov

US Department of Housing & Urban Development

Michael Wurl
Chicago Regional Office
77 West Jackson Blvd.
Ralph Metcalfe Building
Chicago, IL 60604
Michael.E.Wurl@hud.gov

National Park Service (NPS)

Midwest Regional Office
601 Riverfront Drive
Omaha, Nebraska 68102
Hector_santiago@nps.gov

City of Elkhart Public Works and Utilities Department

Jeff Shaffer, Right-of-Way Engineer
1201 S Nappanee St
Elkhart, IN 45615
Jeff.Schaffer@coei.org

Monger Elementary School

April Walker-Principal
1100 East Hively Avenue
Elkhart, IN 46517
awalker@elkhart.k12.in.us

Elkhart Local Floodplain Administrator

Eric Trotter
Eric.trotter@coei.org

Office of the Mayor of Elkhart

Courtney Bearsch
229 S Second Street
Elkhart, IN 46516
courtney.bearsch@coei.org

Elkhart County Surveyor

Philip C. Barker, P.S.
4230 Elkhart Road
Goshen, IN 46526
pbarker@elkhartcounty.com

Elkhart County Planning and Development

Chris Godlewski
4230 Elkhart Road
Goshen, IN 46526
dps@elkhartcounty.com

Elkhart County Parks and Recreation

Ronda DeCaire
211 W. Lincoln Avenue
Goshen, IN 46526
info@elkhartcountyparks.org

Elkhart County Stormwater

John Heiliger
4230 Elkhart Road
Goshen, IN 46526
jheiliger@elkhartcounty.com

Elkhart County Highway Department

Engineering
610 Steury Avenue
Goshen, IN 46528
eng@elkcohwty.org

Greater Elkhart Chamber of Commerce

418 S. Main Street
Elkhart, IN 46516



Michael Baker International, Inc.

3815 River Crossing Pkwy. Suite 20

Indianapolis, IN 46240

(317) 663-8430

(317) 663-8410 Fax

May 23, 2019

«Title1» «First_Name» «Last_Name»
«Title»
«Company_Name»
«Address_Line_1»
«Address_Line_2»
«City», «State» «ZIP_Code»

Re: Des. 1801933, East Hively Avenue and Norfolk Southern Railroad Grade Separation

Dear «Title1» «Last_Name»:

The Indiana Department of Transportation (INDOT) and the City of Elkhart intend to proceed with a Local TRAX rail overpass project in Elkhart, Indiana. The Local TRAX program is a partnership with INDOT, local communities, businesses, industry, and railroads to improve the quality of life for residents through large scale rail related transportation projects. INDOT awarded the City of Elkhart a grant through the Local Trax program for Des. 1801933, East Hively Avenue and Norfolk Southern Railroad Grade Separation (Project). This letter is part of the early coordination phase of the environmental review process. The Project is still in the early development phase and certain details are not available at this time (right-of-way amounts, excavation depths, etc). We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. **Please use the above designation number and description in your reply.** We will incorporate your comments into a study of the project's environmental impacts.

The Project is located at the East Hively Avenue and Norfolk Southern Railroad crossing, 41.659462°N and -85.946735°W, and extends from approximately Monger Avenue to Hazel Street in the City of Elkhart, Elkhart County, Indiana. East Hively Avenue is classified as a Minor Arterial, with traffic headed eastbound and westbound within the project limits. Approximately 0.05 miles east of the railroad crossing is the East Hively Avenue and South Main Street intersection. The Project will eliminate the existing Norfolk Southern Railroad at-grade-crossing at Hively Avenue by creating a new grade separation (bridge) that will carry East Hively Avenue over the Norfolk Southern Railroad and South Main Street. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project. The Project will improve mobility in the area by eliminating vehicle backups and congestion that occur at the crossing and adjacent intersections due to frequent train traffic. The Project will require the purchase of permanent right-of-way, however, the exact amount has not been determined yet.

Land use in the vicinity is residential, commercial, and industrial. A Waters of the U.S. Report will be completed (if water resources are identified) and submitted to INDOT Ecology and Waterway Permitting Office for review. A Phase I Environmental Site Assessment will be conducted within the project limits. An investigation for historic and archaeological resources will be conducted and submitted to INDOT and the Indiana State Historic Preservation Officer (SHPO) for review and concurrence as appropriate. This project qualifies for the application of the United States Fish and Wildlife Service (USFWS) range-wide programmatic informal consultation for the Indiana bat and northern long-eared bat and USFWS project information form will be provided to USFWS for review separately.

Should we not receive your response **within thirty (30) calendar days** from the date of this letter, it will be assumed that your agency feels that there will be no adverse effects incurred as a result of the proposed project. However, should you

find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Laura Jack, Environmental Scientist, Michael Baker International, Inc., (312) 575.3902, Laura.Jack@mbakerintl.com or Charles Boltz, Project Manager, Michael Baker International, Inc., (317) 689.6923, Charles.Boltz@mbakerintl.com. The INDOT Project Manager, Jason Holder, (317) 233-3427, jholder@indot.in.gov, is also available for questions. Thank you in advance for your input.

Sincerely,

A handwritten signature in black ink that reads "Laura Jack". The signature is written in a cursive, flowing style.

Laura Jack
Environmental Scientist
Michael Baker International, Inc.

Attachments:

Early Coordination Recipient List

Project Location Map



Organization and Project Information

Project ID:

Des. ID: Des 1801933

Project Title: E Hively Ave & Norfolk Southern RR Grade Separation

Name of Organization: Micheal Baker International on behalf of INDOT

Requested by: Laura Jack

Environmental Assessment Report

1. Geological Hazards:

- Moderate liquefaction potential
- Floodway

2. Mineral Resources:

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

3. Active or abandoned mineral resources extraction sites:

- Abandoned Industrial Minerals Sand Gravel Pits

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

DISCLAIMER:

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

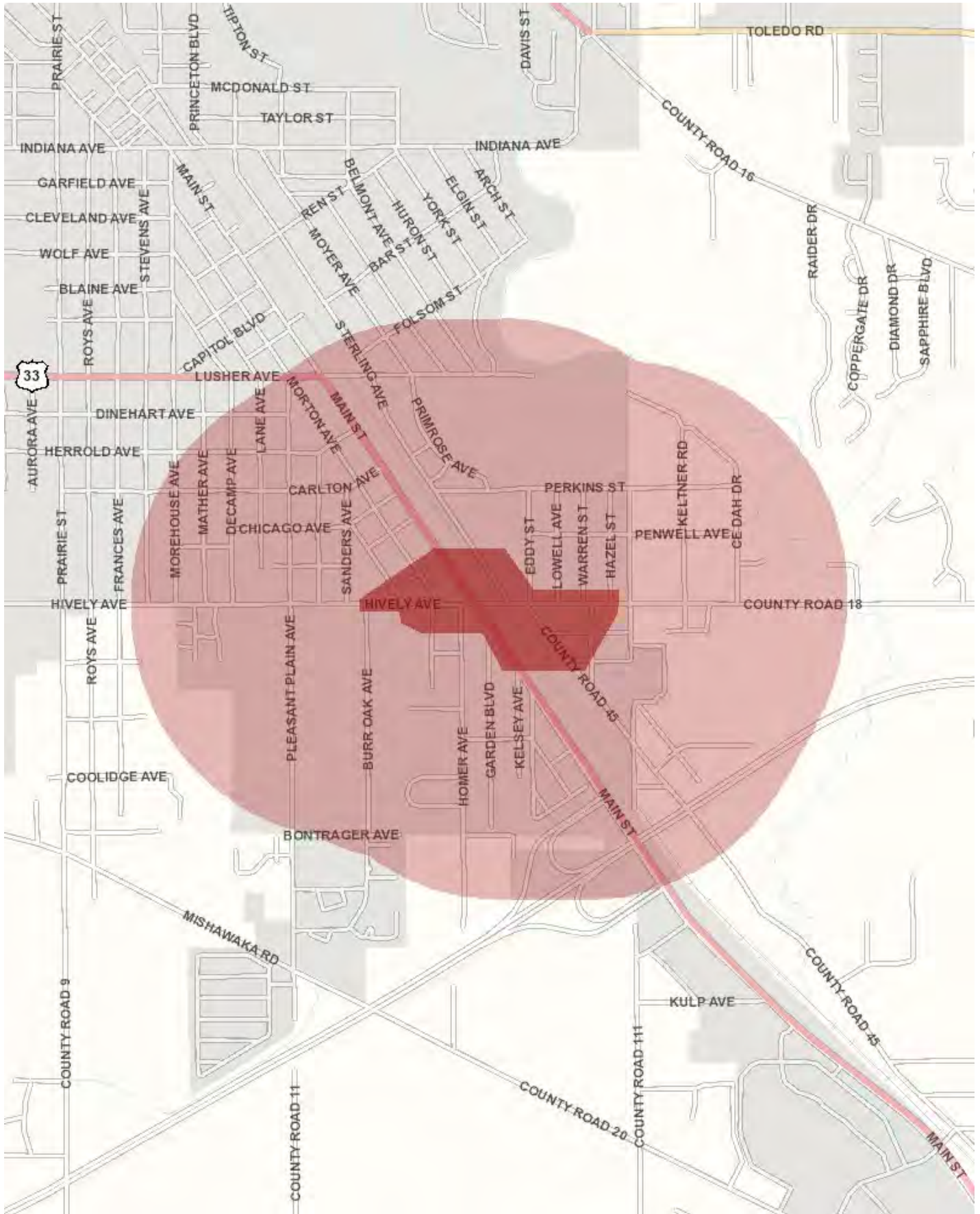
This information was furnished by Indiana Geological Survey

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

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: May 23, 2019



Metadata:

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



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

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

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

June 12, 2019

66-33

Michael Baker International
Attention: Laura Jack
3815 River Crossing Parkway, Suite 120
Indianapolis, Indiana 46240

RE: Wellhead Protection Area
Proximity Determination
Des No 1801933
East Hively Avenue and Norfolk
Southern Railroad Grade Separation
Elkhart, County, Indiana

Dear Laura Jack,

Upon review of the above referenced project site, it has been determined that the proposed project area **is not located within** a Wellhead Protection Area. However, the project is within 200 feet of a Wellhead Protection Area. If the contact information is needed for the WHPA, please contact the reference located at the bottom of the letter for the appropriate information. The information is accurate to the best of our knowledge; however, there are in some cases a few factors that could impact the accuracy of this determination. Some Wellhead Protection Area Delineations have not been submitted, and many have not been approved by this office. In these cases we use a 3,000 foot fixed radius buffer to make the proximity determination. To find the status of a Public Water Supply System's (PWSS's) Wellhead Protection Area Delineation please visit our tracking database at <http://www.in.gov/idem/cleanwater/2456.htm> and scroll to the bottom of the page.

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

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

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

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

Sincerely,

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



A State that Works

Please Reduce, Reuse, Recycle



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

Indiana Department of Transportation

Michael Baker International
Laura Jack
3815 River Crossing Pkwy, Suite 20
Indianapolis , IN 46240

To Engineers and Consultants Proposing Roadway Construction Projects

:

RE: The Indiana Department of Transportation (INDOT) and the City of Elkhart intend to proceed with a Local TRAX rail overpass project in Elkhart, Indiana. The Local TRAX program is a partnership with INDOT, local communities, businesses, industry, and railroads to improve the quality of life for residents through large scale rail related transportation projects. INDOT awarded the City of Elkhart a grant through the Local Trax program for Des. 1801933, East Hively Avenue and Norfolk Southern Railroad Grade Separation (Project). This letter is part of the early coordination phase of the environmental review process. The Project is still in the early development phase and certain details are not available at this time (right-of-way amounts, excavation depths, etc). We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above designation number and description in your reply. We will incorporate your comments into a study of the project's environmental impacts. The Project is located at the East Hively Avenue and Norfolk Southern Railroad crossing, 41.659462°N and -85.946735°W, and extends from approximately Monger Avenue to Hazel Street in the City of Elkhart, Elkhart County, Indiana. East Hively Avenue is classified as a Minor Arterial, with traffic headed eastbound and westbound within the project limits. Approximately 0.05 miles east of the railroad crossing is the East Hively Avenue and South Main Street intersection. The Project will eliminate the existing Norfolk Southern Railroad at-grade-crossing at Hively Avenue by creating a new grade separation (bridge) that will carry East Hively Avenue over the Norfolk Southern Railroad and South Main Street. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project. The Project will improve mobility in the area by eliminating vehicle backups and congestion that occur at the crossing and adjacent intersections due to frequent train traffic. The Project will require the purchase of permanent right-of-way, however, the exact amount has not been determined yet. Land use in the vicinity is residential, commercial, and industrial. A Waters of the U.S. Report will be completed (if water resources are identified) and submitted to INDOT Ecology and Waterway Permitting Office for review. A Phase I Environmental Site Assessment will be conducted within the project limits. An investigation for historic and archaeological resources will be conducted and submitted to INDOT and the Indiana State Historic Preservation Officer (SHPO) for review and concurrence as appropriate. This project qualifies for the application of the United States Fish and Wildlife Service (USFWS) range-wide programmatic informal consultation for the Indiana bat and northern long-eared bat and USFWS project information form will be provided to USFWS for review separately. Should we not receive your response within thirty (30) calendar days from the date of this letter, it will be assumed that your agency feels that there will be no adverse effects incurred as a result of the proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Laura Jack, Environmental Scientist, Michael Baker International, Inc., (312) 575.3902, Laura.Jack@mbakerintl.com or Charles Boltz, Project Manager, Michael Baker International, Inc., (317) 689.6923, Charles.Boltz@mbakerintl.com. The INDOT Project Manager, Jason Holder, (317) 233-3427, jholder@indot.in.gov, is also available for questions. Thank you in advance for your input.

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:
 - IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - IC 14-28-1 Flood Control Act 310 IAC 6-1
 - IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
 - IC 14-29-4 Construction of Channels Act No related code

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

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

6. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total

land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page

- <http://www.in.gov/idem/4902.htm> (<http://www.in.gov/idem/4902.htm>)

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

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

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

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

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

7. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.
8. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.

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

AIR QUALITY

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

Consideration should be given to the following:

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

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

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

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

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

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

EPA recommends the installation of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit: http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf (http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf.) It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure visit: <http://www.in.gov/isdh/regsvcs/radhealth/radon.htm> (<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>), <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>), or <http://www.epa.gov/radon/index.html> (<http://www.epa.gov/radon/index.html>).

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

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

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

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

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

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

4. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts

are not mandatory, any abatement that is conducted within housing built before January 1, 1978 , or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: <http://www.in.gov/isdh/19131.htm> (<http://www.in.gov/isdh/19131.htm>).

5. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2 , Asphalt Paving Rule (<http://www.ai.org/legislative/iac/T03260/A00080.PDF> (<http://www.ai.org/legislative/iac/T03260/A00080.PDF>)).
6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf (<http://www.ai.org/legislative/iac/t03260/a00020.pdf>)). New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
7. For more information on air permits visit: <http://www.in.gov/idem/4223.htm> (<http://www.in.gov/idem/4223.htm>), or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD atdem.state.in.us.

LAND QUALITY

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

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

6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: <http://www.in.gov/idem/4999.htm> (<http://www.in.gov/idem/4999.htm>).

FINAL REMARKS

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

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

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

Signature(s) of the Applicant

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

Project Description

The Indiana Department of Transportation (INDOT) and the City of Elkhart intend to proceed with a Local TRAX rail overpass project in Elkhart, Indiana. The Local TRAX program is a partnership with INDOT, local communities, businesses, industry, and railroads to improve the quality of life for residents through large scale rail related transportation projects. INDOT awarded the City of Elkhart a grant through the Local Trax program for Des. 1801933, East Hively Avenue and Norfolk Southern Railroad Grade Separation (Project). This letter is part of the early coordination phase of the environmental review process. The Project is still in the early development phase and certain details are not available at this time (right-of-way amounts, excavation depths, etc). We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above designation number and description in your reply. We will incorporate your comments into a study of the project's environmental impacts. The Project is located at the East Hively Avenue and Norfolk Southern Railroad crossing, 41.659462°N and -85.946735°W, and extends from approximately Monger Avenue to Hazel Street in the City of Elkhart, Elkhart County, Indiana. East Hively Avenue is classified as a Minor Arterial, with traffic headed eastbound and westbound within the project limits. Approximately 0.05 miles east of the railroad crossing is the East Hively Avenue and South Main Street

intersection. The Project will eliminate the existing Norfolk Southern Railroad at-grade-crossing at Hively Avenue by creating a new grade separation (bridge) that will carry East Hively Avenue over the Norfolk Southern Railroad and South Main Street. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project. The Project will improve mobility in the area by eliminating vehicle backups and congestion that occur at the crossing and adjacent intersections due to frequent train traffic. The Project will require the purchase of permanent right-of-way, however, the exact amount has not been determined yet. Land use in the vicinity is residential, commercial, and industrial. A Waters of the U.S. Report will be completed (if water resources are identified) and submitted to INDOT Ecology and Waterway Permitting Office for review. A Phase I Environmental Site Assessment will be conducted within the project limits. An investigation for historic and archaeological resources will be conducted and submitted to INDOT and the Indiana State Historic Preservation Officer (SHPO) for review and concurrence as appropriate. This project qualifies for the application of the United States Fish and Wildlife Service (USFWS) range-wide programmatic informal consultation for the Indiana bat and northern long-eared bat and USFWS project information form will be provided to USFWS for review separately. Should we not receive your response within thirty (30) calendar days from the date of this letter, it will be assumed that your agency feels that there will be no adverse effects incurred as a result of the proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Laura Jack, Environmental Scientist, Michael Baker International, Inc., (312) 575.3902, Laura.Jack@mbakerintl.com or Charles Boltz, Project Manager, Michael Baker International, Inc., (317) 689.6923, Charles.Boltz@mbakerintl.com. The INDOT Project Manager, Jason Holder, (317) 233-3427, jholder@indot.in.gov, is also available for questions. Thank you in advance for your input.

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.

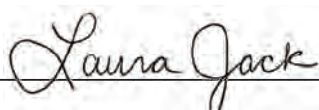
Date: 05/23/2019

Signature of the INDOT
Project Engineer or Other Responsible Agent



Date: 05/23/2019

Signature of the
For Hire Consultant



Laura Jack

THIS IS NOT A PERMIT

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

DNR #: ER-21570

Request Received: May 23, 2019

Requestor: Michael Baker International
Laura Jack
200 West Adams Street, Suite 2800
Chicago, IL 60606

Project: East Hively Avenue and Norfolk Southern Railroad Grade Separation: construction of a new bridge over the railroad tracks and South Main Street, and roadway modifications from Monger Avenue to Hazel Street, City of Elkhart; Local TRAX, Des #1801933

County/Site info: Elkhart

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

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

Regulatory Assessment: 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 Elkhart Environmental Center is located within 1/2 mile of the project area.

Fish & Wildlife Comments: The measures below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only.
2. Minimize and contain within the project limits all tree and brush clearing.
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. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
5. Seed and protect 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.
6. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.

THIS IS NOT A PERMIT

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

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Date: June 19, 2019

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



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

June 14, 2019

Laura Jack
Environmental Scientist
Michael Baker International, Inc.
3815 River Crossing Pkwy. Suite 120
Indianapolis IN 46240

Dear Ms. Jack:

This is in response to your May 23, 2019, letter requesting comments on the proposed East Hively Avenue and Norfolk Southern Railroad Grade Separation in the City of Elkhart, Elkhart County, Indiana (Des. No. 1801933). The project will improve mobility in the area by elevating East Hively Avenue to pass over the Norfolk Southern Railroad grade and South Main Street. The following information is provided in accordance with our responsibilities under our Regulatory and Civil Works Programs.

Your project may require a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. Any of the proposed work that occurs within a water of the United States or adjacent wetlands, will likely require prior authorization through our regulatory permit process. For further information on permit requirements and the application process, please contact the Michiana Branch, Regulatory Office, South Bend, Indiana, at 574-232-1952.

There are no current plans under our civil works program to develop waterways in the vicinity of your project; nor do we have any current or proposed flood risk management studies for the area described in your letter.

Review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map database indicates that the project site is not within a Federally mapped floodplain (Enclosure). As the FEMA mapping is for flood insurance purposes, it does not address all floodplains, especially smaller ones. We recommend that you coordinate the grade separation proposal with local officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with local and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain information that any part of your project would impact the floodplain, you should consider other alternatives that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed East Hively Avenue and Norfolk Southern Railroad Grade Separation in the City of Elkhart, Indiana. Questions regarding our regulatory program should be directed to Mr. Don Reinke, Regulatory Office, at 313-226-6812. Any other questions may be directed to Mr. Paul Allarding of my staff at 313-226-7590 or me at 313-226-2476.

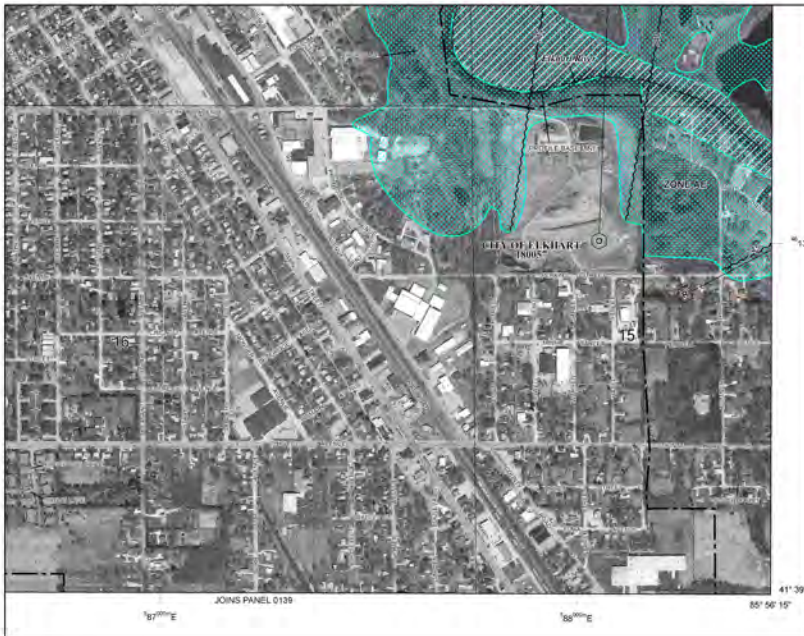
Sincerely,

Charles A. Uhlarik, Chief
Environmental Analysis Branch

Enclosure

Copies furnished:

Don Reinke, Corps, Regulatory Office, Detroit
Mary Weidel, Corps, Floodplain Management Services, Detroit



NFIP PANEL 0137D

FIRM
FLOOD INSURANCE RATE MAP
ELKHART COUNTY,
INDIANA
AND INCORPORATED AREAS

PANEL 137 OF 395
SEE MAP INDEX FOR FIRM PANEL LAYOUT

CONTACT	NUMBER	PHONE	DATES
Elkhart County	5688	317 433 1111	1/11 - 1/12
Elkhart County	5688	317 433 1111	1/11 - 1/12

Notice to User: The Map Number shown below should be used when citing maps within the Community Number shown above should be used for reference applications for the subject community.

MAP NUMBER
18039C0137D
EFFECTIVE DATE
AUGUST 2, 2011
Federal Emergency Management Agency

This is an official copy of a portion of the actual referenced firm map. It is the responsibility of the user to ensure that this map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, contact the NFIP Flood Map Store at www.nfipstore.gov

November 1, 2021

Laura Jack
Michael Baker International
3815 River Crossing Parkway, Suite 120
Indianapolis, Indiana 46240
laura.jack@mbakerintl.com

Dear Ms. Jack:

The proposed project to proceed with a railroad grade separation in the City of Elkhart, Elkhart County, Indiana, as referred to in your letter received May 23, 2019, will not cause a conversion of prime farmland.

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

Sincerely,

RICHARD Digitally signed by
RICHARD NEILSON
NEILSON Date: 2021.11.01
15:23:40 -04'00'

RICK NEILSON
State Soil Scientist

Helping People Help the Land.



USDA is an equal opportunity provider, employer and lender.

Jack, Laura

From: Bosscher, Valerie <bosscher.valerie@epa.gov>
Sent: Thursday, June 13, 2019 8:27 AM
To: Jack, Laura
Subject: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Laura,

Thank you for reaching out regarding the referenced project. Understanding the project is in the early coordination state, could you provide any available information on the following:

- Will any wells be installed or modified as part of the project (of any use type, including groundwater wells as well as wells for geothermal, oil, gas, or mineral exploration)?
- How will storm water be managed on this site during construction and after the project is complete, including treatment if applicable?
- Will any quantities of hazardous chemicals or petroleum (above routine household quantities) be used or stored in the project review area? (e.g. fuel storage tanks)
- Railroad corridors are often associated with petroleum-impacted soils and are typically identified as recognized environmental conditions in Phase I ESAs. In addition, other nearby industrial and/or commercial sites may be sources of soil/groundwater contamination.
 - o Will any environmental sampling be conducted to evaluate (1) the presence of soil/groundwater contaminants and (2) if applicable the vertical and horizontal extent of contamination?
 - o If contamination is found (either during prior testing or during construction), appropriate safety and reporting protocols should be followed
 - o I understand that the excavation depth and design details are not yet available, but the project should include measures to prevent creating new preferential pathways down to the aquifer, particularly in areas with probable or known soil/groundwater contamination. Geotechnical soil sampling may be useful (e.g., to avoid puncturing clay layers that act as a barrier to vertical migration). In addition, precautions should be taken if any dewatering will be required (e.g. to control any contaminants in the storm/groundwater prior to discharge).

Please let me know if you have any questions or would like to discuss.

Thank you,
Val

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

From: [Vachet, Wendy](#)
To: [Heath, Victoria](#); [Jack, Laura](#); [Bosscher, Valerie](#)
Cc: [Peyton, James](#); [Boltz, Charles](#)
Subject: RE: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Wednesday, December 22, 2021 1:03:35 PM
Attachments: [image001.png](#)

Greetings Victoria and Valerie,

Thank you for being so responsive. We are in the process of preparing our draft environmental document (INDOT CE-4) for release in early 2022. In the meantime, let me provide a brief update and some answers to your questions.

1. The draft environmental document will contain a summary of our public involvement activities including comments received during the project development process. In the meantime, here is a synopsis for you:
 - a. We have worked closely with the City of Elkhart (local sponsor) and they, in turn, are very engaged and responsive to their citizens. This has helped tremendously, particularly during the early months of COVID when our ability to hold meetings, etc. was greatly limited. We have held three (3) public information meetings: 1 virtual and 2 in-person. These meetings were very well attended. As expected, the majority of citizen concerns are related to property impacts, changes in traffic patterns, and the duration of construction. The overwhelming response has been positive and generally supportive- folks understand that the regular presence of trains on the tracks and the # and duration of trains per day impede mobility (car, truck, school bus, emergency services, pedestrians, and bicyclist). We haven't received any comments (or had any major discussions) regarding other environmental impacts, such as hazardous waste or anything related to public water supply (or the aquifer). We do have EJ populations in our project study area. Certainly, the area context (railroad, old rail yards, adjacent commercial and light industrial uses, the laundry mat, etc. raise concerns relative to hazardous materials. Hence the modified Phase I ESA (required for approval of our environmental document) and, ultimately, the Phase II work that we are proposing. Pertinent project documents, including those provided at our public information meetings, is provided on the City of Elkhart's website:
<https://elkhartindiana.org/government/street-department/hively-overpass/>.
2. We expect the modified Phase I to be approved by INDOT in early 2022. That report does recommend Phase II activities.
3. The timing and execution of Phase II activities is unknown at this time but we expect to receive additional information and clarification as a result of finalizing the modified Phase I. We are also coordinating with our ROW folks about how such activities dovetail with their efforts. ROW is on a tight turnaround given the # of impacted properties, relocations, and commercial impacts. As soon as we know more, you'll know more.

Again, we appreciate the communication and IEPA's role in ensuring that the Sole Source Aquifer remains protected.

Happy Holidays!

Thank you and sincerely,

Wendy

Wendy L. Vachet, AICP
Regional Environmental and Planning Manager
Michael Baker International, Inc.
757 630-2430 Cell
wendy.vachet@mbakerintl.com

From: Heath, Victoria <Heath.Victoria@epa.gov>
Sent: Monday, December 20, 2021 3:48 PM
To: Jack, Laura <Laura.Jack@mbakerintl.com>; Bosscher, Valerie <bosscher.valerie@epa.gov>
Cc: Vachet, Wendy <Wendy.Vachet@mbakerintl.com>; Peyton, James <JPeyton@mbakerintl.com>; Boltz, Charles <Charles.Boltz@mbakerintl.com>
Subject: RE: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Laura,

Thanks for your continued early coordination. We were able to open the link and get the documents, they've been saved on our end for review. I'll be sure to reach out for a conversation on soil borings and next steps as needed. Two Questions for now:

- Do you all have any takeaways from the public engagement in October 2020? Documents or an email brief summary is fine. We'll consider the Phase II ESA as part of our review when it is ready.
- Can you please confirm that this works with your expected timeline; for our own review to be complete shortly after the Phase II ESA (we'll get most of the review covered ahead of this so that this final step of the review is efficient)?

I'll be sure to work on this review and get back to you on any other additional information needed at this time. Thanks!

Victoria

From: Jack, Laura <Laura.Jack@mbakerintl.com>
Sent: Tuesday, November 30, 2021 11:04 AM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>
Cc: Vachet, Wendy <Wendy.Vachet@mbakerintl.com>; Peyton, James <JPeyton@mbakerintl.com>; Boltz, Charles <Charles.Boltz@mbakerintl.com>; Heath, Victoria <Heath.Victoria@epa.gov>
Subject: RE: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Valerie,

Hope you had a nice holiday! I have reattached the documents, they should come in via a link again at the bottom of the email chain. The Phase II ESA timeframe is still to be determined but will likely be done in 2022.

Also as previously mentioned, maybe a call would be helpful after you have a chance to review the soil information? We can discuss next steps in the project and what other information you might want to see moving forward.

Thanks,

Laura Jack | Environmental Scientist
200 West Adams St., Suite 1800 | Chicago, IL 60606 | [O] 312-575-3902
laura.jack@mbakerintl.com | www.mbakerial.com

From: Bosscher, Valerie <bosscher.valerie@epa.gov>
Sent: Friday, November 26, 2021 9:41 AM
To: Jack, Laura <Laura.Jack@mbakerintl.com>
Cc: Vachet, Wendy <Wendy.Vachet@mbakerintl.com>; Peyton, James <JPeyton@mbakerintl.com>; Boltz, Charles <Charles.Boltz@mbakerintl.com>; Heath, Victoria <Heath.Victoria@epa.gov>
Subject: RE: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Laura,

Sorry for the slow reply. It looks like the FTP site link (at the bottom of the email) availability closed earlier this week – could you re-send the boring information?

Also, what is the expected timing of the Phase II ESA that you mentioned?

Thanks,

Val

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

From: Jack, Laura <Laura.Jack@mbakerintl.com>
Sent: Tuesday, November 16, 2021 10:33 AM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>
Cc: Vachet, Wendy <Wendy.Vachet@mbakerintl.com>; Peyton, James <JPeyton@mbakerintl.com>; Boltz, Charles <Charles.Boltz@mbakerintl.com>
Subject: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Val,

Thank you for speaking with me back in August. I have been working on getting together answers to your initial questions but have been waiting on the completed Geotechnical Report to answer your last question. This will not be finalized until the end of the year so I don't want to hold up providing you answers and we have soil boring information attached. The answers are provided in blue below. I am also attaching the Stage 2 Roadway Plans and the bridge layout plan sheet which should come in as a link at the bottom of this email chain. I think it would be helpful to have a conversation where we can better answer any questions you have and discuss what else you might need to see from us. We are available in the near future so let me know what would work for you and I can set up a call.

- Will any wells be installed or modified as part of the project (of any use type, including groundwater wells as well as wells for geothermal, oil, gas, or mineral exploration)?

[No wells will be installed or modified as part of the project.](#)

- How will storm water be managed on this site during construction and after the project is complete, including treatment if applicable?

[Stormwater will be managed during construction by use of silt fence and inlet protection. Check dams and sediment traps will be used in ditches. No stormwater quality treatments are proposed after construction.](#)

- Will any quantities of hazardous chemicals or petroleum (above routine household quantities) be used or stored in the project review area? (e.g. fuel storage tanks)

[It will be the responsibility of the contractor to maintain anything used during construction.](#)

- Railroad corridors are often associated with petroleum-impacted soils and are typically identified as recognized environmental conditions in Phase I ESAs. In addition, other nearby industrial and/or commercial sites may be sources of soil/groundwater contamination.
 - Will any environmental sampling be conducted to evaluate (1) the presence of soil/groundwater contaminants and (2) if applicable the vertical and horizontal extent of contamination?

Recommended for 20 locations out of Phase I ESA for Phase II.

- If contamination is found (either during prior testing or during construction), appropriate safety and reporting protocols should be followed

Noted.

- I understand that the excavation depth and design details are not yet available, but the project should include measures to prevent creating new preferential pathways down to the aquifer, particularly in areas with probable or known soil/groundwater contamination. Geotechnical soil sampling may be useful (e.g., to avoid puncturing clay layers that act as a barrier to vertical migration). In addition, precautions should be taken if any dewatering will be required (e.g. to control any contaminants in the storm/groundwater prior to discharge).

I have attached a Geotechnical Memo that shows the soil boring logs.

Thank you,

Laura Jack | Environmental Scientist

200 West Adams St., Suite 1800 | Chicago, IL 60606 | [O] 312-575-3902

laura.jack@mbakerintl.com | www.mbakerintl.com

From: [Newland, Joyce \(FHWA\)](#)
To: [Jack, Laura](#)
Subject: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Friday, May 24, 2019 8:51:54 AM

Hi Laura –

I see no harm in sending these to me. It helps me see the activity going on in the area.

Thanks and have a great holiday weekend.

--Joyce

From: [Wright, Mary](#)
To: [Jack, Laura](#)
Subject: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Tuesday, May 28, 2019 7:35:20 AM

Early Coordination and Creating a Public Involvement Plan (PIP)

We have received your early coordination notification packet for the above referenced project(s). Our office prefers to be notified at the early coordination stage in order to encourage early and ongoing public involvement aside from the specific legal requirements as outlined in our Public Involvement Manual <http://www.in.gov/indot/2366.htm>. Seeking the public's understanding of transportation improvement projects early in the project development stage can allow the opportunity for the public to express their concerns, comments, and to seek buy-in. Early coordination is the perfect opportunity to examine the proposed project and its impacts to the community along with the many ways and or tools to inform the public of the improvements and seek engagement. A good public involvement plan, or PIP, should consider the type, scope, impacts, and the level of public awareness that should, or could, be implemented. In other words, although there are cases where no public involvement is legally required, sometimes it is simply the right thing to do in order to keep the public informed.

The public involvement office is always available to provide support and resources to bolster any public involvement activities you may wish to implement or discuss. Please feel free to contact our office anytime should you have any questions or concerns. Thank you for notifying our office about your proposed project. We trust you will not only analyze the appropriate public involvement required, but also consider the opportunity to do go above and beyond those requirements in creating a good PIP.

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

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

From: Jack, Laura [mailto:Laura.Jack@mbakerintl.com]
Sent: Thursday, May 23, 2019 6:23 PM
To: Clark, Rickie <RCLARK@indot.IN.gov>; Wright, Mary <MWRIGHT@indot.IN.gov>
Subject: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Ricky and Mary,

I wanted to keep you in the loop on this local project in Elkhart. We are working on the first phase of the project so there are not a lot of details to provide yet, however, we want to get any input from the agencies. Please see the attached early coordination letter for the INDOT Local Trax project, Des 1801933, located at the intersection of E Hively Ave and the Norfolk Southern Railroad in Elkhart County, IN. Please feel free to reach out if you have any questions.

Thank you,

Laura Jack | Environmental Scientist
200 West Adams St., Suite 2800 | Chicago, IL 60606 | [O] 312-575-3902
laura.jack@mbakerintl.com | www.MBakerintl.com | [REDACTED]

From: [Novak, Karen](#)
To: [Jack, Laura](#)
Subject: EXTERNAL: RE: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Friday, May 24, 2019 9:11:59 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Hi Laura!

Thank you for the ECL and making me aware of this project. I have placed the letter in our files. The Local Trax program and projects will be mostly handled through COES.

Have a great weekend!

Karen M. Novak

Sr Environmental Mgr Supervisor

5333 Hatfield Road

Fort Wayne, IN 46808

Office: (260) 969-8302

Email: knovak@indot.in.gov



From: Jack, Laura [mailto:Laura.Jack@mbakerintl.com]

Sent: Thursday, May 23, 2019 6:14 PM

To: Novak, Karen <KNovak@indot.IN.gov>

Subject: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

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

Hi Karen,

I wanted to keep you in the loop on this local project in Elkhart. We are working on the first phase of the project so there are not a lot of details yet to provide but we wanted to get some initial input from agencies. Please see the attached early coordination letter for the INDOT Local Trax project, Des 1801933, located at the intersection of E Hively Ave and the Norfolk Southern Railroad in Elkhart County, IN. Please feel free to reach out if you have any questions.

Thank you,

Laura Jack | Environmental Scientist

200 West Adams St., Suite 2800 | Chicago, IL 60606 | [O] 312-575-3902

laura.jack@mbakerintl.com | www.MBakerintl.com

From: [Schaffer, Jeff](#)
To: [Jack, Laura](#)
Subject: EXTERNAL: Re: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Friday, May 24, 2019 7:19:36 AM

Thanks Laura.

Jeffrey D. Schaffer, PE
Right-of-Way Engineer
City of Elkhart, Public Works and Utilities
1201 South Nappanee Street
Elkhart, Indiana 46516
574.293.2572

From: Jack, Laura <Laura.Jack@mbakerintl.com>
Sent: Thursday, May 23, 2019 6:54 PM
To: Schaffer, Jeff
Subject: INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter

Hi Jeff,

We wanted to include you in our Early Coordination Letter (ECL) that we are emailing out to the different agencies. Please find the ECL for the Local Trax Project Des 1801933, E Hively Ave and Norfolk Southern Railroad Grade Separation attached. If you see someone who is not on the list please feel free to pass it along. Please let me know if you have any questions.

Thank you,

Laura Jack | Environmental Scientist
200 West Adams St., Suite 2800 | Chicago, IL 60606 | [O] 312-575-3902
laura.jack@mbakerintl.com | www.MBakerintl.com

[Michael Baker International](#)

www.mbakerial.com

Michael Baker International | Home

From: [McCloskey, Elizabeth](#)
To: [Jack, Laura](#)
Subject: EXTERNAL: Re: [EXTERNAL] INDOT Des 1801933, E Hively Ave & Norfolk Southern RR Grade Separation Early Coordination Letter
Date: Wednesday, May 29, 2019 1:21:38 PM

Good afternoon, because the proposed project will have minor impacts on natural resources, and no Federally endangered species are known to be present, the U.S. Fish and Wildlife Service will not be providing a comment letter.

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

On Thu, May 23, 2019 at 5:00 PM Jack, Laura <Laura.Jack@mbakerintl.com> wrote:

Hi Elizabeth,

Please see the attached early coordination letter for a proposed INDOT Local Trax project, Des 1801933, located at the intersection of E Hively Ave and the Norfolk Southern Railroad in Elkhart, Elkhart County, IN. Please feel free to reach out if you have any questions.

Thank you,

Laura Jack | Environmental Scientist
200 West Adams St., Suite 2800 | Chicago, IL 60606 | [O] 312-575-3902
laura.jack@mbakerintl.com | www.MBakerintl.com





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

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

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

In Reply Refer To:

December 22, 2021

Consultation code: 03E12000-2022-I-0255

Event Code: 03E12000-2022-E-02809

Project Name: INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No. 1801933 Elkhart, Indiana

Subject: Concurrence verification letter for the 'INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No.1801933 Elkhart, Indiana' 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 **INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No.1801933 Elkhart, Indiana** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

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

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

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

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

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

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

- Monarch Butterfly *Danaus plexippus* Candidate

Project Description

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

Name

INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No.1801933
Elkhart, Indiana

Description

The Hively Avenue (Ave) Overpass Project is located on East (E) Hively Ave, also referred to as Hively Ave, at the Norfolk Southern Railroad (RR) crossing in Elkhart, Elkhart County, Indiana. The west terminus is 0.01 mile west of Burr Oak Ave to approximately 0.57 mile to the east terminus approximately 0.02 mile west of Clayton Ave. The project limits extend on adjacent side streets Bismark Ave, Monger Ave, Morton Ave, Roosevelt Ave, Homer Ave, Main Street (St.), Garden Boulevard, Sterling Ave, Eddy St., Hammond Ave, Lowell Ave, Warren St. and Hazel St. The project is in Sections 15 and 16, Township 37 North, Range 5 East.

The project proposes eliminating the existing Norfolk Southern RR at-grade-crossing at Hively Ave by creating a new grade separation (bridge) which will carry Hively Ave over the Norfolk Southern RR, South Main St. and Hammond Ave. The grade separation will raise Hively Ave at a minimum of 23 feet vertical clearance over the RR. Hively Ave will be shifted to the south and modifications will be made to surrounding local streets to accommodate the new grade separation. These side street modifications include realigning Hammond and Sterling Ave, realigning Lowell Ave, and extending Roosevelt Ave to the north of Hively Ave and creating an intersection with Main St. Intersecting side streets will have pavement improvements and reconstructed drive approaches where necessary. Sidewalk will be added on both sides of Hively Ave near Bismark Ave extending east to Roosevelt Ave and sidewalk connections will be added on Monger Ave, Morton Ave, Roosevelt Ave, and Main St. Americans with Disability Act (ADA) compliant curb ramps will be added where new sidewalks are constructed along all local streets. From Roosevelt Ave to Warren St., Hively Ave will have a multi-use path along the north side of the roadway. New drainage infrastructure will be added as required throughout the project limits. Traffic signals will be added to the Hively Ave and Roosevelt intersection, Hively Ave and Warren St. intersection, and Roosevelt Ave and Main St. intersection. To accommodate a truck route, a full depth reconstruction of the pavement on Warren St. and paved shoulders added adjacent to each travel lane north of Hively Ave. Curb Inlets will be provided, and drive approaches will be reconstructed where required along Warren St. The Warren St. approach at Hammond Ave will be reconstructed to accommodate truck turning movements.

The project will take ROW and involve relocations. The relocations will result in removal of approximately 24 structures (homes/businesses). Given the sensitive nature of relocations and the structures being occupied the structure assessment was conducted for the study area and a project commitment will be added that a final inspection be conducted prior to demolition of

any structure. Utilities relocation is anticipated. New permanent lighting will be installed. Temporary lighting is anticipated during construction activities. The land use is primarily residential and commercial. Wooded areas are identified northeast and east of the project area. The wooded areas have potential to be suitable summer habitats for bats and are within 1,000 feet of the project area, however there are no known documented bat habitats. A review of the USFWS GIS database for Indiana bat and Northern long-eared bat roosting, hibernacula and capture sites were conducted for the project on November 1, 2021 by INDOT. The review did not indicate the presence of endangered bat species within a half-mile of the project area. Approximately 73 trees (6.57 acres) will be removed from residential properties adjacent to Hively Avenue, local side streets and along the railroad within the project area. The project is anticipated to start in spring of 2023 and will be in construction for approximately 2 years. The removal of trees will occur during inactive bat season and each tree to be removed will be clearly marked.

Determination Key Result

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

Qualification Interview

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

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

Automatically answered

Yes

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

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

Automatically answered

Yes

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

A) *Federal Highway Administration (FHWA)*

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

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

No

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

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

No

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

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

No

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

No

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

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

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

Yes

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

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

Yes

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

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

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

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

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

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

No

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

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

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

No

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

Yes

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

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

B) During the inactive season

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

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

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

No

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

Yes

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

B) During the inactive season

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

Yes

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

No

20. Are *all* trees that are being removed clearly demarcated?
Yes
21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?
Yes
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)?
No
25. 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.)
Yes
26. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the structure? (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
27. Has a structure assessment^[1] been conducted **within** the last 24 months^[2] to determine if bats are using the structure(s)?

[1] Structure assessment for occupied buildings means a cursory inspection for bat use. For abandoned buildings a more thorough evaluation is required (See [User Guide Appendix D](#) for bridge/abandoned structure assessment guidance).

[2] Assessments must be completed no more than 2 years prior to conducting any work on the structures, 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 structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- *Des 1801933_Bridge Culvert Bat Assessment Form.pdf* <https://ecos.fws.gov/ipac/project/46DTOKYYF5CCHGCTOFLWWSJPYQ/projectDocuments/108244549>

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

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

No

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

Yes

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 *any* new or replace any existing **permanent** lighting in addition to the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities?

Yes

33. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting (other than the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities) will be installed or replaced?

Yes

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

Yes

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

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

Yes

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

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

Yes

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

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

Yes

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

Yes

39. Is the area where the road profile will be raised **above the tree canopy** within 1,000 feet of **documented** Indiana bat or NLEB habitat^{[1][2]}?

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

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

No

40. 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.

41. 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

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

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the 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.

43. 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.

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

Automatically answered

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

45. **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

46. **Tree Removal AMM 1**

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

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

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

Yes

47. **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

48. Tree Removal AMM 4

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

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

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

Yes

49. Lighting AMM 2

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

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

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

Yes

50. Lighting AMM 2

Will the **permanent** lighting used during removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

51. Lighting AMM 1

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

Yes

52. Lighting AMM 2

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

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

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

Yes

53. **Lighting AMM 2**

Will the **permanent** lighting (other than any lighting already indicated for tree clearing or bridge/structure removal, replacement or maintenance activities) be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

Project Questionnaire

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

N/A

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

N/A

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

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

6.57

4. Please describe the proposed structure work:

Realignment of Hively Avenue and new bridge over Norfolk Southern Railroad crossing. Removal of residential and commercial building structures.

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

Spring 2023-2025

6. Please enter the date of the structure assessment:

June 5, 2020 and June 6, 2021

Avoidance And Minimization Measures (AMMs)

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

LIGHTING AMM 1

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

TREE REMOVAL AMM 2

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

LIGHTING AMM 2

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

TREE REMOVAL AMM 3

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

TREE REMOVAL AMM 4

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

GENERAL AMM 1

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

TREE REMOVAL AMM 1

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

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

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

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

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



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

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

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

In Reply Refer To:

December 21, 2021

Consultation Code: 03E12000-2022-SLI-0255

Event Code: 03E12000-2022-E-02801

Project Name: INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No. 1801933 Elkhart, Indiana

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: 03E12000-2022-SLI-0255
Event Code: Some(03E12000-2022-E-02801)
Project Name: INDOT Bridge project on Hively Avenue, Hively Avenue Overpass, Des. No.1801933 Elkhart, Indiana
Project Type: TRANSPORTATION
Project Description: The Hively Avenue (Ave) Overpass Project is located on East (E) Hively Ave, also referred to as Hively Ave, at the Norfolk Southern Railroad (RR) crossing in Elkhart, Elkhart County, Indiana. The west terminus is 0.01 mile west of Burr Oak Ave to approximately 0.57 mile to the east terminus approximately 0.02 mile west of Clayton Ave. The project limits extend on adjacent side streets Bismark Ave, Monger Ave, Morton Ave, Roosevelt Ave, Homer Ave, Main Street (St.), Garden Boulevard, Sterling Ave, Eddy St., Hammond Ave, Lowell Ave, Warren St. and Hazel St. The project is in Sections 15 and 16, Township 37 North, Range 5 East.

The project proposes eliminating the existing Norfolk Southern RR at-grade-crossing at Hively Ave by creating a new grade separation (bridge) which will carry Hively Ave over the Norfolk Southern RR, South Main St. and Hammond Ave. The grade separation will raise Hively Ave at a minimum of 23 feet vertical clearance over the RR. Hively Ave will be shifted to the south and modifications will be made to surrounding local streets to accommodate the new grade separation. These side street modifications include realigning Hammond and Sterling Ave, realigning Lowell Ave, and extending Roosevelt Ave to the north of Hively Ave and creating an intersection with Main St. Intersecting side streets will have pavement improvements and reconstructed drive approaches where necessary. Sidewalk will be added on both sides of Hively Ave near Bismark Ave extending east to Roosevelt Ave and sidewalk connections will be added on Monger Ave, Morton Ave, Roosevelt Ave, and Main St. Americans with Disability Act (ADA) compliant curb ramps will be added where new sidewalks are constructed along all local streets. From Roosevelt Ave to Warren St., Hively Ave will have a multi-use path along the north side of the roadway. New drainage infrastructure will be added as required throughout the project limits. Traffic signals will be added to the Hively Ave and Roosevelt intersection, Hively Ave and Warren St. intersection, and Roosevelt Ave and Main St. intersection. To accommodate a truck route, a full depth reconstruction of the pavement on Warren St. and paved shoulders added adjacent to each travel lane north of Hively Ave. Curb Inlets will be provided, and drive approaches will be reconstructed where required along Warren St. The Warren St. approach at Hammond Ave will be reconstructed to accommodate truck turning movements.

The project will take ROW and involve relocations. The relocations will result in removal of approximately 24 structures (homes/businesses). Given the sensitive nature of relocations and the structures being occupied the structure assessment was conducted for the study area and a project commitment will be added that a final inspection be conducted prior to demolition of any structure. Utilities relocation is anticipated. New permanent lighting will be installed. Temporary lighting is anticipated during construction activities. The land use is primarily residential and commercial. Wooded areas are identified northeast and east of the project area. The wooded areas have potential to be suitable summer habitats for bats and are within 1,000 feet of the project area, however there are no known documented bat habitats. A review of the USFWS GIS database for Indiana bat and Northern long-eared bat roosting, hibernacula and capture sites were conducted for the project on November 1, 2021 by INDOT. The review did not indicate the presence of endangered bat species within a half-mile of the project area. Approximately 73 trees (6.57 acres) will be removed from residential properties adjacent to Hively Avenue, local side streets and along the railroad within the project area. The project is anticipated to start in spring of 2023 and will be in construction for approximately 2 years. The removal of trees will occur during inactive bat season and each tree to be removed will be clearly marked.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.6592285,-85.94610032354868,14z>



Counties: Elkhart County, Indiana

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

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

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

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

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

Mammals

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

Insects

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

Critical habitats

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

From: [Falls, Ryan G](#)
To: [Jack, Laura](#); [Vachet, Wendy](#)
Cc: [Holder, Jason](#); [Mettler, Madeline](#); [Papadakis, Arianna](#); [Bales, Ronald](#)
Subject: RE: EXTERNAL: Des. No. 1801933 IPaC Review - NLAA
Date: Wednesday, December 22, 2021 7:20:43 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

The document's finding of May Effect, NLAA-With AMMs for DES 1801933 has been deemed sufficient. It has been verified and submitted to USFWS. The Service has 14 days after the "Not Likely to Adversely Affect" determination letter is generated. They will review that information once it is received; if you do not receive a response within 14 days, they have no additional comments for the two bats covered under the programmatic. The NEPA document submittal may not occur until this review period has ended. The Official Species List, Consistency Letter, and Concurrence Verification Letter are all now immediately available for your use. It is suggested that these documents be downloaded at this time. This concludes the IPaC phase of coordination with the Vincennes environmental office.

Please note, the email has been sent out prior to the concurrence verification letter actually generating. IPaC is having document generation delays, which is a normal occurrence. The document's generation is in IPaC's queue and will be automatically generated once the system catches up. The 14-day review time begins on the date on the letter once it is generated. Normally, I withhold this email, but with the timeline of this project, I wanted everyone to know that it is verified and in process. Thank you.

Ryan Falls

Capital Program Management-Senior Environmental Manager Supervisor

Indiana Department of Transportation

3650 South US Highway 41

Vincennes, IN 47591

Email: rfalls@indot.IN.gov

Cell: 812-582-1387



Appendix D:

Section 106 Documentation

State Historic Preservation Officer's and
Peoria Tribe's
"No Historic Properties Affected"
Effect Finding Concurrence Letters

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



October 27, 2021

Karen Wood
Environmental & Cultural Resources Manager
SJCA Inc.
1104 Prospect Street
Indianapolis, Indiana 46203

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

Re: Addendum phase Ia archaeological literature review and reconnaissance survey (Jackson, 8/13/2021), additional project information, and the Indiana Department of Transportation’s finding of “no historic properties affected” on behalf of the Federal Highway Administration for the Hively Avenue Grade Separation Project (an INDOT Local Trax Project) in Elkhart County, Indiana (Des. No. 1801933; DHPA No. 25770)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your October 6, 2021, review request submittal form, which enclosed the aforementioned addendum report, finding and supporting documentation, received by our office the same day for this project (a Local Trax Project) in Elkhart, Elkhart County, Indiana.

We note the expansion of the area of potential effects (“APE”) due to the scope of work addition of an expanded truck route along Warren Street to Hammond Avenue. For the Section 106 review of this federal undertaking, we agree that there are no historic properties listed or eligible for inclusion in the National Register of Historic Places (“NRHP”) located within the project’s original and expanded APE.

Regarding archaeology, thank you for the submission of the addendum archaeological reconnaissance report (Jackson, 8/13/2021). A review of the report indicates that one archaeological site was newly recorded as a result of the reconnaissance. Archaeological sites 12-E-0522, a mid-20th century historic scatter, does not appear to be eligible for inclusion in the National Register of Historic Places. Therefore, we concur with the recommendation that no further archaeological work is necessary. It is now appropriate for the site form for 12-E-0522 to be entered into the SHAARD database. Please email Rachel Sharkey at rsharkey@dnr.in.gov when this is complete.

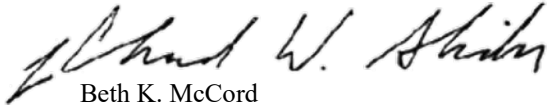
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29) requires that the discovery be reported to DNR-DHPA within two (2) business days. In that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

Accordingly, we concur with INDOT's October 5, 2021, Section 106 finding of "No Historic Properties Affected" on behalf of FHWA for this federal undertaking.

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

In all future correspondence about the Hively Avenue Grade Separation Project in Elkhart County (Des. No. 1801933), please continue to refer to DHPA No. 25770.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:RAS:ras

- emc: Kari Carmany-George, FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT
Anthony Ross, INDOT
Susan Branigin, INDOT
Forest County Potawatomi Community
Miami Tribe of Oklahoma
Pokagon Band of Potawatomi Indians
Karen Wood, SJCA, Inc.
Chris Jackson, SJCA, Inc.
Danielle Kauffmann, DNR-DHPA
Rachel Sharkey, DNR-DHPA

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Friday, October 15, 2021 9:21 AM
To: Karen Wood
Cc: Ross, Anthony; Korzeniewski, Patricia J
Subject: FW: INDOT Project: Des. No. 1801933; 800.11/NHPA finding and Addendum Archaeology Report; Hively Avenue Grade Separation Project, Elkhart County, Indiana
Attachments: INDOT City of Elkhart Shaun Miller 10 7 21.pdf

Hi Karen,

Please find attached a response to the addendum archaeology report and NHPA finding from the Peoria Tribe.

Thank you,

Shaun Miller
INDOT, Cultural Resources Office
Archaeology Team Lead
(317)416-0876

From: Karen Stand <kstand@peoriatribe.com>
Sent: Thursday, October 7, 2021 4:46 PM
To: Korzeniewski, Patricia J <PKorzeniewski@indot.IN.gov>
Subject: RE: INDOT Project: Des. No. 1801933; 800.11/NHPA finding and Addendum Archaeology Report; Hively Avenue Grade Separation Project, Elkhart County, Indiana

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

From: Korzeniewski, Patricia J <PKorzeniewski@indot.IN.gov>
Sent: Wednesday, October 6, 2021 9:00 AM
To: thpo@estoo.net; Diane Hunter <dhunter@miamination.com>; Karen Stand <kstand@peoriatribe.com>; Matthew.Bussler@pokagonband-nsn.gov; tonya@shawnee-tribe.com; michael.laronge@fcpotawatomi-nsn.gov
Cc: Karen Wood <kwood@sjcainc.com>; Miller, Shaun (INDOT) <smiller@indot.IN.gov>; Korzeniewski, Patricia J <PKorzeniewski@indot.IN.gov>; Ross, Anthony <ARoss3@indot.IN.gov>; Carmany-George, Karstin (FHWA) <k.carmanygeorge@dot.gov>
Subject: INDOT Project: Des. No. 1801933; 800.11/NHPA finding and Addendum Archaeology Report; Hively Avenue Grade Separation Project, Elkhart County, Indiana

Des. No.: 1801933

Project Description: Grade Separation Project

Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF
Craig Harper

SECOND CHIEF
vacant

October 7, 2021

Shaun Miller
Tribal Contact
INDOT
100 N Senate Ave., RM N642
Indianapolis, IN 46204

Re: **City of Elkhart plans to proceed with the Hively Ave. grade separation project, DES> No.#1801933**

Thank you for providing notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is unaware of any documentation directly linking Indian Religious Sites to the newly proposed project location. There appear to be no objects of cultural significance or artifacts linked to our tribe located on or near the project location.

The Peoria Tribe of Indians of Oklahoma is unaware of items covered under NAGPRA (Native American Graves Protection and Repatriation Act) to be associated with the proposed project site. These items include funerary or sacred objects; objects of cultural patrimony; or ancestral human remains.

The Peoria Tribe has no objection at this time to the proposed road project. If, however, at any time items are discovered which fall under the protection of NAGPRA, the Peoria Tribe requests immediate notification and consultation. In addition: state, local and tribal authorities should be advised as to the findings and construction halted until consultation with all concerned parties has occurred.

Karen Stand
Assistant Cultural Officer

TREASURER
Hank Downum
Des. No. 1801933

SECRETARY
Tonya Mathews

FIRST COUNCILMAN
Carolyn Ritchey

SECOND COUNCILMAN
Kara North

THIRD COUNCILMAN
Isabella Burrell

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Wednesday, November 10, 2021 3:25 PM
To: Karen Wood
Cc: Ross, Anthony
Subject: FW: Eastern Shawnee Tribe - Project Review - Des No 1801933
Attachments: DesNo1801933.pdf

Importance: Low

Hi Karen,

Attached is a response to the NHPA finding and addendum archaeology report from the Eastern Shawnee Tribe.

Thank you,

Shaun Miller
INDOT, Cultural Resources Office
Archaeology Team Lead
(317)416-0876

From: Rhonda Barnes <rbarnes@estoo.net>
Sent: Wednesday, November 10, 2021 3:06 PM
To: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Subject: Eastern Shawnee Tribe - Project Review - Des No 1801933
Importance: Low

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

Mr. Miller
Please see the attached review for: Des No 1801933
EST Reference Number: 1819

Rhonda Barnes
Cultural Preservation Department
Intake Clerk/Program Assistant
Eastern Shawnee Tribe Of Oklahoma
70500 East 128 Road
Wyandotte, Ok 74370
918-238-5151 Ext 1862
rbarnes@estoo.net

IMPORTANT NOTICE: This e-mail message is intended to be received only by persons entitled to receive the confidential information it may contain. E-mail messages from ESTOO.net may contain information that is confidential and legally



**EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT**

70500 East 128 Road, Wyandotte, OK 74370

November 10, 2021

INDOT - Indiana Department of Transportation
100 N. Senate Ave. IGCN642
Indianapolis, IN 46201

RE: Des No 1801933, Elkhart County, Indiana

Dear Mr. Miller,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Elkhart County, Indiana. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

A handwritten signature in blue ink that reads "Paul Barton".

Paul Barton, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1833

“No Historic Properties Affected”
Effect Finding Documentation

Karen Wood

From: Karen Wood
Sent: Wednesday, October 6, 2021 9:34 AM
To: Kauffmann, Danielle M; Sharkey, Rachel
Cc: 'smiller@indot.in.gov'; Garrett Receveur; Ross, Anthony; Korzeniewski, Patricia J; sbranigin@indot.in.gov
Subject: INDOT Project: Des. No. 1801933; 800.11/NHPA finding and Addendum Archaeology Report; Hively Avenue Grade Separation Project, Elkhart County, Indiana
Attachments: HivelyAveGradeSeparation_Des1801933_RDL_2021-10-5.pdf

Des. No.: 1801933

Project Description: Grade Separation Project

Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

INDOT, on behalf of FHWA, has signed a determination of "No Historic Properties Affected" 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 Historic Properties Affected" and the Addendum Archaeology Report (Tribes only) electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Karen Wood
Environmental & Cultural Resource Manager

SJCA Inc.

9102 N. Meridian Street, Suite 200
Indianapolis, IN 46260

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



Karen Wood

From: Korzeniewski, Patricia J <PKorzeniewski@indot.IN.gov>
Sent: Wednesday, October 6, 2021 10:00 AM
To: thpo@estoo.net; Diane Hunter; Kstand@Peoriatribe.com;
Matthew.Bussler@pokagonband-nsn.gov; tonya@shawnee-tribe.com;
michael.laronge@fcpotawatomi-nsn.gov
Cc: Karen Wood; Miller, Shaun (INDOT); Korzeniewski, Patricia J; Ross, Anthony; Carmany-George, Karstin (FHWA)
Subject: INDOT Project: Des. No. 1801933; 800.11/NHPA finding and Addendum Archaeology Report; Hively Avenue Grade Separation Project, Elkhart County, Indiana
Attachments: HivelyAveGradeSeparation_Des1801933_RDL_2021-10-5.pdf

Des. No.: 1801933

Project Description: Grade Separation Project

Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

INDOT, on behalf of FHWA, has signed a determination of "No Historic Properties Affected" 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 Historic Properties Affected" and the Addendum Archaeology Report (Tribes only) electronically by accessing INDOT's Section 106 document posting website IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). If a hard copy of the materials is needed, please respond to this email with your request as soon as you can.

Consulting parties have thirty (30) calendar days from receipt of this information to review and provide comment. Tribal consulting parties may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience. Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317-416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-226-5629.

Thank you in advance for your input,

Patricia Jo Korzeniewski
Archaeologist and Environmental Manager
INDOT, Cultural Resources Office
100 North Senate Avenue, N758-ES
Indianapolis, Indiana 46204
PKorzeniewski@indot.in.gov
1-317-416-4377
M-F 7:30 - 3:30

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INDIANA DEPARTMENT OF TRANSPORTATION

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

PHONE: (317) 296-0799

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

October 5, 2021

This letter was sent to the listed parties.

RE: Hively Avenue Grade Separation Project, Elkhart County, Indiana, Des. No. 1801933; DHPA No. 25770

Dear Consulting Party,

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

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 June 8, 2020. On March 24, 2021, a letter was distributed notifying consulting parties that a Historic Property Short Report (HPSR) and the Archaeological Report (Tribes only) were available for review and comment.

The proposed undertaking is on Hively Avenue extending west to east from Bismark Avenue to Hazel Street and expanding north and south in varying lengths (from 85 feet to 600 feet) along the bisecting streets; specifically, along Warren Street, the undertaking extends from Hively Avenue south to Hammond Avenue. The proposed undertaking is located in the City of Elkhart, Elkhart County, Indiana. It is within Concord Township, *Elkhart, IN* USGS Topographic Quadrangle, in Sections 15 and 16, Township 37 North, Range 5 East.

The purpose of this project is to improve safety and mobility of the existing section along Hively Avenue. The need for this project is based on vehicle backups and congestion that occur at the Norfolk Southern Railroad at-grade-crossing and adjacent intersections due to frequent train traffic. Currently, approximately 70-100 trains a day utilize the railroad tracks at Hively Avenue, inhibiting mobility for the 6,000 vehicles a day that use Hively Avenue. There have not been any accidents at this grade crossing, but the number of trains per day creates dangerous queuing into nearby intersections.

Hively Avenue consists of two eastbound and two westbound travel lanes (four lanes total), varying in roadway width from 11-foot-wide to 15-foot-wide throughout the project limits. Within the project area, there are fourteen intersections along Hively Avenue, in addition to the at-grade crossing with Norfolk Southern Railroad. The intersection with South Main Street is signalized. The rail crossing, which is located between South Main Street and Sterling Avenue, is controlled with flashers and gates.

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An Equal Opportunity Employer



The proposed project would eliminate the existing Norfolk Southern Railroad grade crossing at Hively Avenue by realigning Hively Avenue to the south and carrying it over three existing railroad tracks, South Main Street, and Hammond Avenue on one new bridge. Previously, the RDL dated March 24, 2021, stated that the proposed project would carry Hively Ave. over two new bridges: one single span structure and one two-span structure. Since then, the proposed alternative now proposes one four-span structure to carry Hively Ave. over South Main Street, the three existing railroad tracks, and Hammond Ave. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project.

Previously, it had been anticipated that approximately 9.55 acres of permanent and 0.27 acre of temporary for a total of 9.82 acres of right-of-way acquisition would be required. New information below provides the updated right-of-way information for this project. Maintenance of traffic will be controlled by offsetting the new Hively Avenue alignment so the existing Hively Avenue can mostly remain open during construction. It is anticipated that 20 residential and 3 commercial properties would be relocated as a result of the proposed project. Letting is scheduled for April 2023.

Since the HPSR was distributed to consulting parties on March 24, 2021, new project details are available regarding additional modifications being made to surrounding streets to accommodate the new grade separation. An additional area designated for a truck route has been added to the project that extends the project limits along Warren Street to the intersection with Hammond Avenue. Work on Warren Street will include a full depth reconstruction of the pavement. Paved shoulders will be added adjacent to each travel lane. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements to and from Hammond Avenue. Hammond Avenue will be widened and resurfaced at the intersection with Warren Street. Roadside ditches will be graded on both sides of the roadways and storm sewer pipes will be placed underneath drives. Ditch inlets will be provided, and driveways will be reconstructed where required. This additional work is anticipated to require 0.13 acre of additional right-of-way: 0.03 acre of permanent right-of-way and 0.10 acre of temporary right-of-way. The new right-of-way amounts are a total of 9.83 acres permanent, 0.90 acre temporary, for a total right-of-way amount anticipated of 10.73 acres.

Michael Baker International, Inc. is under contract with the City of Elkhart to advance the environmental documentation for the referenced project. SJCA, Inc. has been subcontracted to complete the Section 106 documentation for the project.

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

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

INDOT and FHWA shall complete the Section 106 process for this project even if FHWA funding is not allocated to this project.

The APE is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE contains no resources listed in the 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 (Wood 2020). As a result of the historic property identification and evaluation efforts, no resources were recommended eligible for listing in the NRHP.

Regarding the additional right-of-way acquisition for the truck route along Warren St., the original above-ground APE is not sufficient to cover this additional work. Thus, the APE has been expanded approximately 90 ft. eastward from the original APE roughly between Warren St. (to the west), Dover St. (to the north), and Yuma St. (to the south). The QP historian identified and evaluated three resources within the expanded APE. The evaluation process is described in the 800.11 documentation. As a result of the historic property identification and evaluation efforts in the expanded APE, no resources are recommended eligible for listing in the NRHP. See the APE map and additional photographs enclosed in the 800.11 documentation.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified two sites within the project area. As a result of these efforts, sites 12-E-505 and 12-E-506 were recommended not eligible for listing in the NRHP and no further work was recommended. The archaeological report's survey area did not include the additional right-of-way acquisition for the truck route. An addendum to the archaeology report (Jackson, 8/13/2021) was prepared to include these additional areas. The report identified one site (12-E-522), a historic scatter, within the additional survey project area. Site 12-E-522 is recommended not eligible and no further work is recommended.

On April 15, 2021, the SHPO staff agreed "with the conclusions of the HPSR that there are no historic properties listed or eligible for inclusion in the National Register of Historic Places ('NRHP') located within the project's APE." With regards to archaeology, SHPO stated: "A review of the report indicates that two archaeological sites were newly recorded as a result of the reconnaissance. Archaeological sites 12-E-0505 and 12-E-0506 are both historic scatters that date to the early and mid-late 20th century, respectively. It does not appear that these sites are eligible for inclusion in the National Register of Historic Places. Therefore, we concur with the recommendation that no further archaeological work is necessary at these sites. Additionally, we concur with the recommendation that no further archaeological reconnaissance is needed for the proposed project, with the exception of the parcel within 'Lot 9' that was not surveyed due to lack of landowner permission. We will look forward to receiving the results of the reconnaissance of this parcel, should landowner permission be obtained." If any archaeological deposits are encountered in the course of the project work, SHPO asked to be contacted.

On April 23, 2021, the Pokagon Band of Potawatomi Indians responded to the HPSR. In their letter, they stated that they "have made the determination that there will be No Historic Properties in Area of Potential Effects (APE) significant to the Pokagon Band of Potawatomi Indians."

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

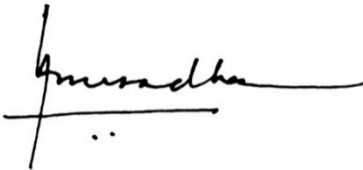
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting 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 317-566-0629 or 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 St.
Indianapolis, IN 46203
kwood@sjcainc.com

Tribal contacts may contact Shaun Miller at smiller@indot.in.gov or 317- 416-0876 or Kari Carmany-George at FHWA at K.CarmanyGeorge@dot.gov or 317-266-5629.

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:

800.11 documentation (available through IN SCOPE)

Addendum to the Archaeology Report (available through IN SCOPE, Tribes only)

Distribution List:

Indiana State Historic Preservation Officer, DKauffman@dnr.IN.gov; RSharkey@dnr.IN.gov [mailto:](#)

Forest County Potawatomi Community

Miami Tribe of Oklahoma

Pokagon Band of Potawatomi Indians

Eastern Shawnee Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Shawnee Tribe

Hively Avenue Grade Separation Project

800.11(d) Documentation and Effects Finding

Elkhart, Elkhart County, Indiana
Des. No. 1801933; DHPA No. 25770

September 2021



Prepared for:
Michael Baker International
3815 River Crossing Pkwy, Suite 20
Indianapolis, IN 46260
By:

Karen Wood
Environmental and Cultural Resource Manager
SJCA Inc.
9102 N. Meridian St., Suite 200
Indianapolis, IN 46260

p. 317.566.0629

f. 866.422.2046

kwood@sjcainc.com



**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
Hively Avenue Grade Separation Project
Concord Township, Elkhart County, Indiana
DES. NO.: 1801933; DHPA 25770**

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. The dimensions of the above-ground APE were defined by the new bridge construction over the railroad tracks, realignment of Hively Avenue, urban residential development, and mature vegetation. The APE measures approximately 0.72 mile long and 0.42 mile wide. The archaeological APE consists of all proposed new, temporary, or existing right of way as well as any additional areas investigated beyond it. See Appendix A for maps of the APE.

ELIGIBILITY DETERMINATIONS

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

No properties within the APE are listed in or recommended eligible for listing in the National Register of Historic Places (NRHP).

EFFECT FINDING

The Indiana Department of Transportation (INDOT), acting on behalf of the Federal Highway Administration (FHWA), has determined a "No Historic Properties Affected" 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)

This undertaking will not convert property from any 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 Historic Properties Affected"; therefore, no Section 4(f) evaluation is required.

Anuradha V. Kumar

Anuradha V. Kumar, for FHWA
Manager
INDOT Cultural Resources

10/5/2021

Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
NO HISTORIC PROPERTIES AFFECTED
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR Section 800.4(d)(1)
Hively Avenue Grade Separation Project
Concord Township, Elkhart County, Indiana
DES. NO.: 1801933; DHPA 25770**

1. DESCRIPTION OF THE UNDERTAKING

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The proposed undertaking is on Hively Avenue (Ave.), extending west to east from Bismark Ave. to Hazel Street (St.) and expanding north and south in varying lengths (from 85 feet to 600 feet) along the bisecting streets; specifically, along Warren St., the undertaking extends from Hively Ave. south to Hammond Ave. This project is located in the City of Elkhart, Elkhart County, Indiana. It is within Concord Township, *Elkhart, IN* USGS Topographic Quadrangle, in Sections 15 and 16, Township 37 North, Range 5 East.

The purpose of this project is to improve safety and mobility of the existing section along Hively Ave. The need for this project is based on vehicle backups and congestion that occur at the Norfolk Southern Railroad at-grade-crossing and adjacent intersections due to frequent train traffic. Currently, approximately 70-100 trains a day utilize the railroad tracks at Hively Ave., inhibiting mobility for the 6,000 vehicles a day that use Hively Ave. There have not been any accidents at this grade crossing, but the number of trains per day creates dangerous queuing into nearby intersections.

Under the preferred alternative, the proposed project would eliminate the existing Norfolk Southern Railroad grade crossing at Hively Ave. by realigning Hively Ave. to the south and carrying it over three existing railroad tracks, South Main St., and Hammond Ave. on one new bridge. Previously, the Report Distribution Letter (RDL) dated March 24, 2021, stated that the proposed project would carry Hively Ave. over two new bridges: one single span structure and one two-span structure. Since then, the proposed alternative now proposes one four-span structure to carry Hively Ave. over South Main St., the three existing railroad tracks, and Hammond Ave. Modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project. Additionally, a truck route will be added along Warren St. to the intersection with Hammond Ave. The Warren St. approach at Hammond Ave. will be reconstructed to accommodate truck turning movements to and from Hammond Ave., and Hammond Ave. will be widened and resurfaced at its intersection with Warren St. See Appendix F for plans.

It is anticipated that approximately 9.83 acres of permanent and 0.90 acre of temporary for a total of 10.73 acres of right-of-way acquisition will be required. It is anticipated that the project will result in 20 residential and 3 commercial relocations. Letting is scheduled for April 2023.

The Area of Potential Effects (APE), as defined in 36 CFR 800.16(d), is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." The APE of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Land use within the APE consists primarily of residential and commercial properties. The dimensions of the above-ground APE were defined by the new

bridge construction over the railroad tracks, realignment of Hively Ave., urban residential development, and mature vegetation. The APE measures approximately 0.72 mile long and 0.42 mile wide. See Appendix A for a map of the APE. The APE was modified since the distribution of the Historic Properties Short Report (HPSR) in March 2021. This change was made due to the project area expanding to accommodate the addition of a truck route along Warren St. The archaeological APE consists of all proposed new, temporary, or existing right of way as well as any additional areas investigated beyond it. Appendix C contains maps of the revised APE and additional photographs of the expanded project area.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The NRHP, Indiana Register of Historic Sites and Structures (State Register), the *Elkhart County Interim Report* (2005), the State Historic Architectural and Archaeological Research Database (SHAARD), and the Indiana Historic Buildings, Bridges, and Cemeteries Map (IHBBCM) were consulted. The APE contains no resources listed in the NRHP. The INDOT-sponsored *Indiana Historic Bridge Inventory* (February 2009) by M&H Architecture, Inc. was also reviewed. No historic bridges were found within the APE. Research did not identify any previous Section 106 investigations in the APE. There are no Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER)/Historic American Landscapes Survey (HALS) resources identified with the vicinity of the project.

On June 8, 2020, an early coordination letter (ECL) was distributed to consulting parties (CPs). The Indiana 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 D.

Indiana State Historic Preservation Officer

Elkhart County Historian
Elkhart County Historical Museum
Elkhart Historic and Cultural Preservation Commission
Michiana Area Council of Governments
Elkhart County Commissioners
Elkhart Street Department
Mayor's Office of Elkhart
Indiana Landmarks – Northern Regional Office

Forest County Potawatomi Community

Eastern Shawnee Tribe of Oklahoma

Miami Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

Shawnee Tribe

On June 23, 2020, the Miami Tribe of Oklahoma accepted consulting party status. They offered no objection to the project, since they were “not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site.”

On July 7, 2020, SHPO responded to the ECL, saying 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. However, if right-of-way is likely to be taken from a potentially historic property, it might be advisable to invite the owner of that property as soon as possible.” No historic properties were identified, and thus no new property owners were invited to become consulting parties.

On July 8, 2020, the Forest County Potawatomi Community accepted consulting party status. They offered no objection to the project at this time but expressed interest in seeing the archaeology report.

Karen Wood, a qualified professional (QP) historian who meets the Secretary of the Interior Standards, conducted a site visit of the project area on November 19, 2020. The historian walked and drove the project area and the APE, documenting above-ground resources. The historian investigated the APE for the existence of any historical properties, structures, objects, or districts listed in or eligible for the listing in the NRHP. All resources that will be at least 50 years of age at the time of project letting, anticipated 2023, were surveyed. Photographic documentation of “contributing” resources and representative “non-contributing” resources was prepared. No resources in the APE were found to be listed in or eligible for the NRHP. See Appendix A and B for maps and photographs.

A Historic Properties Short Report (HPSR) was completed for this project (Wood, March 2021).

On March 24, 2021, the RDL, HPSR and Phase Ia Archaeology Report (Tribes only) were distributed to invited consulting parties for review and comment.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards identified 2 sites within the project area. As a result of these efforts, sites 12-E-505 and 12-E-506 were recommended not eligible for listing in the NRHP and no further work is recommended. The summary of the HPSR and Archaeology Report are found in Appendix E.

On April 15, 2021, the SHPO staff agreed “with the conclusions of the HPSR that there are no historic properties listed or eligible for inclusion in the National Register of Historic Places (‘NRHP’) located within the project’s APE.” With regards to archaeology, SHPO stated: “A review of the report indicates that two archaeological sites were newly recorded as a result of the reconnaissance. Archaeological sites 12-E-0505 and 12-E-0506 are both historic scatters that date to the early and mid-late 20th century, respectively. It does not appear that these sites are eligible for inclusion in the National Register of Historic Places. Therefore, we concur with the recommendation that no further archaeological work is necessary at these sites. Additionally, we concur with the recommendation that no further archaeological reconnaissance is needed for the proposed project, with the exception of the parcel within ‘Lot 9’ that was not surveyed due to lack of landowner permission. We will look forward to receiving the results of the reconnaissance of this parcel, should landowner permission be obtained.” If any archaeological deposits are encountered in the course of the project work, SHPO asked to be contacted. See Appendix D for correspondence.

On April 23, 2021, the Pokagon Band of Potawatomi Indians responded to the HPSR. In their letter, they stated that they “have made the determination that there will be No Historic Properties in Area of Potential Effects (APE) significant to the Pokagon Band of Potawatomi Indians.”

None of the other consulting parties provided any additional comments regarding the ECL, HPSR, or archaeological report. Please see Appendix D for Consulting Party Correspondence.

Regarding the additional right-of-way acquisition for the truck route along Warren St., the original above-ground APE is not sufficient to cover this additional work. Thus, the APE has been expanded approximately 90 ft. eastward from the original APE roughly between Warren St. (to the west), Dover St. (to the north), and Yuma St. (to the south). SJCA’s QP historian examined online Elkhart County GIS property viewer and aerial historic maps through the Indiana Historic Aerial Photo Index (IHAPI) and photos taken during the November 19, 2020, site visit as well as a second site visit on September 13, 2021. The QP historian identified and evaluated three residential resources within the expanded APE (see Appendix C). One of the

resources, located at 1915 Dover St., is a ranch-styled house recently constructed c. 1992. The remaining two resources, 1905 Yuma Ave. and 1920 Yuma Ave. appear to be over 50 years old. The 1905 Yuma Ave. resource, constructed c. 1930, is a minimal traditional-styled house with alterations such as vinyl siding and replacement windows and doors. The third resource, located at 1920 Yuma Ave., is a one and one-half story vernacular-styled house with a detached two-car garage, an attached one-car garage, the addition of enclosed porches, and replacement windows. These two resources have received a rating of “non-contributing” due to the above-mentioned alterations and lack of historic significance. Therefore, as a result of the historic property identification and evaluation efforts in the expanded APE, no resources rise above a “contributing” rating according to the IHSSI criteria and none are recommended eligible for listing in the NRHP. See Appendix C for the additional photo key map and photographs showing the revised APE and project area.

The archaeological report’s survey area did not include the additional right-of-way acquisition for the truck route. An addendum to the archaeology report (Jackson, 8/13/2021) was prepared to include these additional areas. The report identified one site (12-E-522), a historic scatter, within the additional survey project area. Site 12-E-522 was recommended not eligible and no further work is recommended. Please see Appendix E for a summary of the addendum report.

A public notice of the “No Historic Properties Affected” finding will be published in *The Elkhart Truth* (Elkhart, IN) and the public will be afforded thirty (30) days to respond. This document will be revised, if necessary, after the expiration of the public comment period.

3. BASIS FOR FINDING

There are no historic properties present within the APE; therefore, INDOT, acting on behalf of FHWA, has determined a finding of “No Historic Properties Affected” is appropriate.

APPENDIX

- A – Maps
- B – Photographs
- C – Project Maps and Project Area Photographs for Revised APE
- D – Consulting Parties List and Correspondence
- E – Historic Property Short Report, Phase Ia Archaeology Report, and Addendum to the Archaeology Report Summaries
- F – Current Plans

The maps, photographs, and plans were removed to reduce the overall size of this CE document. These pages can be made available upon request.

References

“Property Viewer,” *Elkhart & St. Joseph Counties, Indiana, Geographic Information System*, Michiana Area Council of Governments (MACOG), <http://maps.macog.com/> Accessed September 14, 2021.

“Indiana Historical Aerial Photo Index,” Indiana Geological Survey, Indiana University, 2021. <https://igws.indiana.edu/IHAPI/Map/> Accessed September 14, 2021.

“No Historic Properties Affected”
Effect Finding Public Notice and
Publisher’s Affidavit

Public Notice
Des. No. 1801933

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), is planning to undertake a grade separation project, which may be funded in part by the Federal Highway Administration (FHWA) under the INDOT's Local Trax program. The project is located on Hively Avenue from Bismark Avenue to Hazel Street in the City of Elkhart, Concord Township, Elkhart County, Indiana.

Under the preferred alternative, the proposed project would eliminate the existing Norfolk Southern Railroad grade crossing at Hively Avenue by realigning Hively Avenue to the south and carrying it over three existing railroad tracks, South Main Street, and Hammond Avenue on one new bridge. The realigned Hively Avenue would tie back into the existing alignment near Monger Avenue to the west and Warren Street to the east. The existing Hively Avenue and South Main Street intersection would be reconfigured into a T-intersection with Hively Avenue ending at South Main Street. Additionally, a truck route will be added along Warren Street to the intersection with Hammond Avenue. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements to and from Hammond Avenue, and Hammond Avenue will be widened and resurfaced at its intersection with Warren Street. It is anticipated that approximately 9.83 acres of permanent and 0.90 acre of temporary for a total of 10.73 acres of right-of-way acquisition will be required. It is anticipated that 20 residential and 3 commercial properties would be relocated as a result of the proposed project. Letting is expected in April 2023.

The proposed action does not impact properties listed in or eligible for the National Register of Historic Places. INDOT, on behalf of the FHWA, has issued a "No Historic Properties Affected" finding for the project due to the fact that no historic properties are present within the Area of Potential Effects (APE). 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)(1), the documentation specified in 36 CFR 800.11(d) is available for inspection in the office of SJCA Inc. 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 Historic Properties Affected" finding. The views of the public on this effect finding are being sought. Please reply with any comments or requests to Karen Wood, SJCA Inc., 9102 N. Meridian St., Suite 200, Indianapolis, IN 46260 or kwood@sjcainc.com no later than November 9.

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 Jason Springer, INDOT PM, at 317.498.9068 or jspringer@indot.IN.gov.

AFFP

Public Notice Des. No. 1801933

Affidavit of Publication

STATE OF IN }
COUNTY OF ELKHART } SS

Public Notice
Des. No. 1801933

Angelique Petersen, being duly sworn, says:

That she is Advertising Clerk of the Elkhart Truth, a daily newspaper of general circulation, printed and published in Elkhart, Elkhart County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 09, 2021

Publication Fees: \$ 38.42

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

SIGNED:

Angelique Petersen
Subscribed to and sworn to me this 9th day of October 2021.

Rebecca Jo Barr

Rebecca Jo Barr, Notary Public 08/22/2024



70047876 70189072

Garrett Receveur
SJCA Inc.
9102 N. Meridian St., #200
Indianapolis, IN 46203

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), is planning to undertake a grade separation project, which may be funded in part by the Federal Highway Administration (FHWA) under the INDOT's Local Trax program. The project is located on Hively Avenue from Bismark Avenue to Hazel Street in the City of Elkhart, Concord Township, Elkhart County, Indiana.

Under the preferred alternative, the proposed project would eliminate the existing Norfolk Southern Railroad grade crossing at Hively Avenue by realigning Hively Avenue to the south and carrying it over three existing railroad tracks, South Main Street, and Hammond Avenue on one new bridge. The realigned Hively Avenue would tie back into the existing alignment near Monger Avenue to the west and Warren Street to the east. The existing Hively Avenue and South Main Street intersection would be reconfigured into a T-intersection with Hively Avenue ending at South Main Street. Additionally, a truck route will be added along Warren Street to the intersection with Hammond Avenue. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements to and from Hammond Avenue, and Hammond Avenue will be widened and resurfaced at its intersection with Warren Street. It is anticipated that approximately 9.83 acres of permanent and 0.90 acre of temporary for a total of 10.73 acres of right-of-way acquisition will be required. It is anticipated that 20 residential and 3 commercial properties would be relocated as a result of the proposed project. Letting is expected in April 2023.

The proposed action does not impact properties listed in or eligible for the National Register of Historic Places. INDOT, on behalf of the FHWA, has issued a "No Historic Properties Affected" finding for the project due to the fact that no historic properties are present within the Area of Potential Effects (APE). 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)(1), the documentation specified in 36 CFR 800. 11(d) is available for inspection in the office of SJCA Inc. 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 Historic Properties Affected" finding. The views of the public on this effect finding are being sought.

Please reply with any comments or requests to Karen Wood, SJCA Inc., 9102 N. Meridian St., Suite 200, Indianapolis, IN 46260 or kwood@sjcainc.com no later than November 9.

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 Jason Springer, INDOT PM, at 317.498.9068 or jspringer@indot.IN.gov.
hspaxlp

Consulting Party Correspondence

Des. No. 1801933 Consulting Party List
Highlighted Parties accepted Consulting Party Status

Name	Organization	email
Danielle Kauffmann & Rachel Sharkey	Department of Natural Resources	DKauffmann@dnr.in.gov; Rsharkey@dnr.in.gov
Marcia Brenneman	Elkhart County Historian Elkhart County Historical Museum	mbrenneman@maplenet.net museum@elkhartcountyparks.org
Eric Trotter	Elkhart Historic and Cultural Preservation Commission	eric.trotter@coei.org
James Turnwald	Michiana Area Council of Governments	macogdir@macog.com
Frank Lucchese	Elkhart County Commissioners	Ccommissioners@elkhartcounty.com
Mike Yoder	Elkhart County Commissioners	Ccommissioners@elkhartcounty.com
Suzie Weirick	Elkhart County Commissioners	Ccommissioners@elkhartcounty.com
Mike Szucs	Elkhart Street Department	mike.szucs@coei.org
Todd Zeiger	Indiana Landmarks Northern Regional Office	tzeiger@indianalandmarks.org
Rod Roberson	Mayor of Elkhart	corinne.straight-reed@coei.org

Tribes

- Forest County Potawatomi Community
- Eastern Shawnee Tribe of Oklahoma
- Miami Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Pokagon Band of Potawatomi Indians
- Shawnee Tribe

Karen Wood

From: Karen Wood
Sent: Monday, June 8, 2020 9:40 AM
To: Slider, Chad (DNR); mbrenneman@maplenet.net; museum@elkhartcountyhistory.org; eric.trotter@coei.org; macogdir@macog.com; ccommissioners@elkhartcounty.com; mike.szucs@coei.org; corinne.straight-reed@coei.org; TZeiger@indianalandmarks.org
Cc: Ross, Anthony; Branigin, Susan; Miller, Shaun (INDOT); akumar@indot.in.gov; Vachet, Wendy; Boltz, Charles; Jack, Laura; Erin Mulryan
Subject: FHWA Project; Des. No. 1801933; Hively Ave. Grade Separation Project, Elkhart County, Indiana
Attachments: HivelyAveGradeSeparation_Des1801933_ECL_2020-6-8.pdf

Des. No.: 1801933

Project Description: Grade Separation Project

Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight by the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Ave. Grade Separation Project, Des. Nos. 1801933. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

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

Indiana State Historic Preservation Officer
Elkhart County Historian
Elkhart County Historical Museum
Elkhart Historic and Cultural Preservation Commission
Michiana Area Council of Governments
Elkhart County Commissioners
Elkhart County Street Department
Mayor's Office of Elkhart
Indiana Landmarks, Northern Regional Office
Forest County Potawatomi Community
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 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 or 317-233-6795 or Michelle Allen at FHWA at michelle.allen@dot.gov or 317-226-7344.

Thank you in advance for your input,

Karen Wood

Environmental and Cultural Resources Manager

g r e e n • 3



Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46203

p 317.634.4110

f 866.422.2046 (toll free)

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

George Trevelyan

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Monday, June 8, 2020 10:59 AM
To: thpo@estoo.net; Diane Hunter; Michael LaRonge; 'Matthew.Bussler@pokagonband-nsn.gov'; 'tonya@shawnee-tribe.com'; 'lpappenfort@peoriatribe.com'
Cc: Ross, Anthony; Karen Wood
Subject: FW: FHWA Project; Des. No. 1801933; Hively Ave. Grade Separation Project, Elkhart County, Indiana
Attachments: HivelyAveGradeSeparation_Des1801933_ECL_2020-6-8.pdf

Des. No.: 1801933

Project Description: Grade Separation Project

Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight by the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Ave. Grade Separation Project, Des. Nos. 1801933. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

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

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Elkhart County Historian
Elkhart County Historical Museum
Elkhart Historic and Cultural Preservation Commission
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Forest County Potawatomi Community
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Shawnee Tribe

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



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 234-5168

Eric Holcomb, Governor
Joe McGuinness, Commissioner

June 8, 2020

This letter was sent to the listed parties.

RE: Hively Avenue Grade Separation Project, Des. No. 1801933, Elkhart County, Indiana

Dear Consulting Party (see attached list),

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. Green 3, LLC is under contract with the City of Elkhart 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 Hively Avenue (Ave.), extending from Bismark Avenue to Hazel Street (St.) in Elkhart, Elkhart County, Indiana. It is within Concord Township, Elkhart USGS Topographic Quadrangle, in Sections 15 and 16, Township 37 North, Range 5 East.

The purpose of this project is to improve safety and mobility of the existing section along Hively Ave. The need for this project is based on vehicle backups and congestion that occur at the Norfolk Southern Railroad at-grade-crossing and adjacent intersections due to frequent train traffic. Currently, approximately 70-100 trains a day utilize the railroad tracks at Hively Ave., inhibiting mobility for the 6,000 vehicles a day that use Hively Ave. There have not been any accidents at this grade crossing, but the number of trains per day creates dangerous queuing into nearby intersections.

Hively Ave. consists of two-lane travel lanes, varying in roadway width from 11-foot-wide to 15-foot-wide lanes throughout the project limits. Within the project area, there are fourteen intersections along Hively Ave., in addition to the at-grade crossing with Norfolk Southern RR. One of the intersections is signalized. The rail crossing, which is located between South Main St. and Sterling, is controlled with flashers and gates.

The proposed project involves the elimination of the existing Norfolk Southern Railroad at-grade-crossing at Hively Ave., realigning Hively Ave. to the south and creating a new grade separation (bridge) that will carry it over the Norfolk Southern Railroad and South Main St. before connecting north to the existing Hively Ave. The existing Hively Ave. and South Main St. would be reconfigured into a T-intersection with Hively Ave. ending at South Main St. The bridges would consist of one single span bridge with a 77-foot-long span and one two-span bridge with two 120 feet, 6 inches long spans. Additional modifications will be made to surrounding local

streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project.

Right-of-way acquisition is anticipated; the amounts of right-of-way acquisition (permanent and/or temporary) are unknown at this time. Maintenance of traffic will be controlled by offsetting the new Hively Avenue alignment so the existing Hively Avenue can mostly remain open during construction. It is anticipated that 19 residential and 3 commercial properties would be relocated as a result of the proposed project. Letting is scheduled for November 2022.

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>.

INDOT and FHWA shall complete the Section 106 process for this project even if FHWA funding is not allocated to this project.

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

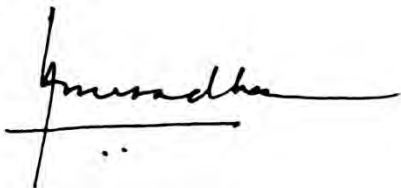
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party, or if you do not respond, you will not be included on the list of consulting parties for this project. If we do not receive your response in the time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

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

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect Street
Indianapolis, IN, 47203
karen@green3studio.com

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

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Enclosures:
Topographic Map

Distribution List:

Indiana State Historic Preservation Officer, cslider@dnr.in.gov
Elkhart County Historian, mbrenneman@maplenet.net
Elkhart County Historical Museum, museum@elkhartcountyhistory.org
Elkhart Historic and Cultural Preservation Commission, eric.trotter@coei.org
Michiana Area Council of Governments, macogdir@macog.com
Elkhart County Commissioners, Ccommissioners@elkhartcounty.com
Elkhart Street Department, mike.szucs@coei.org
Mayor's Office of Elkhart, corinne.straight-reed@coei.org
Indiana Landmarks, Northern Regional Office, tzeiger@indianalandmarks.org
Forest County Potawatomi Community
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Shawnee Tribe



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



Via email: smiller@indot.in.gov

June 23, 2020

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

Re: Des. No. 1801933; Hively Avenue Grade Separation Project, Elkhart County, Indiana –
Comments of the Miami Tribe of Oklahoma

Dear Mr. Miller:

Aya, kikwehsitoole – I show you respect. The Miami Tribe of Oklahoma, a federally recognized Indian tribe with a Constitution ratified in 1939 under the Oklahoma Indian Welfare Act of 1936, respectfully submits the following comments regarding Des. No. 1801933.

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, given the Miami Tribe's deep and enduring relationship to its historic lands and cultural property within present-day Indiana, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at dhunter@miamination.com to initiate consultation.

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

Respectfully,

Diane Hunter
Tribal Historic Preservation Officer



July 7, 2020

Karen Wood
Environmental and Cultural Resources Manager
Green 3, LLC
1104 Prospect Street
Indianapolis, Indiana 47203

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

Re: Early coordination letter for the City of Elkhart’s Hively Avenue Grade Separation Project (an
INDOT Local Trax project) in Elkhart County, Indiana (Des. No. 1801933; DHPA No. 25770)

Dear Ms. Wood:

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

We are not aware of any parties who should be invited to participate in the Section 106 consultation on this federal undertaking, beyond those whom INDOT already has invited. However, if right-of-way is likely to be taken from a potentially historic property, it might be advisable to invite the owner of that property as soon as possible. In your next regular correspondence on this project, please advise us as to which of the invited consulting parties have accepted the invitation.

We look forward to reviewing the proposed area of potential effects and the report on investigations of above-ground cultural resources that the early coordination letter indicated will be forthcoming.

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 National Register of Historic Places within the proposed project area. However, this identification is subject to the ground-disturbing project-related activities remaining within areas disturbed by previous construction of a recent and non-historical nature.

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

In all future correspondence about the Hively Avenue Grade Separation Project in Elkhart County (Des. No. 1801933), please refer to DHPA No. 25770.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:RAS:JLC:jlc

emc: Karstin Carmany-George, FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Anthony Ross, Ph.D., INDOT
Karen Wood, Green 3, LLC
Rachel Sharkey, INDNR-DHPA
John Carr, INDNR-DHPA

Karen Wood

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Thursday, July 9, 2020 8:26 AM
To: Karen Wood
Cc: Ross, Anthony
Subject: FW: FHWA Project; Des. No. 1801933; Hively Ave. Grade Separation Project, Elkhart County, Indiana

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Karen,

Please see the below response to the ECL from the Forest County Potawatomi accepting consulting party status.

Thank you,

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

From: Michael LaRonge <Michael.LaRonge@fcpotawatomi-nsn.gov>
Sent: Wednesday, July 8, 2020 8:54 PM
To: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Subject: RE: FHWA Project; Des. No. 1801933; Hively Ave. Grade Separation Project, Elkhart County, Indiana

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

RE: INDOT Project Des. No. 1801933, Hively Avenue Grade Separation, Elkhart County, Indiana.

Dear Mr. Miller,

Pursuant to consultation under Section 106 of the National Historic Preservation Act (1966 as amended) the Forest County Potawatomi Community (FCPC), a Federally Recognized Native American Tribe, reserves the right to comment on Federal undertakings, as defined under the act.

This response is regarding the project mention above. The Tribal Historic Preservation Office (THPO) has reviewed the map of the proposed APE and would like to review the archaeological report associated with the project.

Your interest in protecting cultural and historic properties is appreciated. If you have any questions or concerns, please contact me at the email address or phone number listed below.

Respectfully,

Michael LaRonge
Tribal Historic Preservation Officer
Cultural Preservation Division
Forest County Potawatomi Community

8130 Mish ko Swen Drive
P.O. Box 340
Crandon, Wisconsin 54520
Phone: 715-478-7354
Email: Michael.LaRonge@FCPotawatomi-nsn.gov

From: Miller, Shaun (INDOT) <smiller@indot.IN.gov>
Sent: Monday, June 8, 2020 9:59 AM
To: thpo@estoo.net; Diane Hunter <dhunter@miamination.com>; Michael LaRonge <Michael.LaRonge@fcpotawatomi-nsn.gov>; 'Matthew.Bussler@pokagonband-nsn.gov' <Matthew.Bussler@pokagonband-nsn.gov>; 'tonya@shawnee-tribe.com' <tonya@shawnee-tribe.com>; 'lpappenfort@peoriatribe.com' <lpappenfort@peoriatribe.com>
Cc: Ross, Anthony <ARoss3@indot.IN.gov>; Karen Wood <karen@green3studio.com>
Subject: FW: FHWA Project; Des. No. 1801933; Hively Ave. Grade Separation Project, Elkhart County, Indiana

Des. No.: 1801933
Project Description: Grade Separation Project
Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight by the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Ave. Grade Separation Project, Des. Nos. 1801933. This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

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Garrett Receveur

From: Garrett Receveur
Sent: Wednesday, March 24, 2021 9:48 AM
To: rsharkey@indot.in.gov; McCord, Beth K
Cc: Kumar, Anuradha; Ross, Anthony; Karen Wood; Erin Mulryan; Chris Jackson; Jack, Laura; Vachet, Wendy; Boltz, Charles
Subject: FHWA Project: Des. No. 1801933; HPSR and Archaeology Report, Hively Avenue Grade Separation Project, Elkhart County, Indiana
Attachments: HivelyAveGradeSeparation_Des1801933_RDL_2021-3-24.pdf

Des. No.: 1801933
Project Description: Grade Separation Project
Location: Elkhart, Elkhart County, Indiana

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. The Section 106 Early Coordination Letter for this project was originally distributed on June 8, 2020.

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

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

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

Thank you in advance for your input,

Sincerely,

Garrett Receveur
Cultural Resources Associate
SJCA Inc.
1104 Prospect Street
Indianapolis, IN 46203
T 317.634.4110
F 866.422.2046
greceveur@sjcainc.com



Garrett Receveur

Karen Wood

From: Korzeniewski, Patricia J <PKorzeniewski@indot.IN.gov>
Sent: Wednesday, March 24, 2021 10:46 AM
To: thpo@estoo.net; Diane Hunter; lpappenfort@peoriatribe.com;
Matthew.Bussler@pokagonband-nsn.gov; tonya@shawnee-tribe.com;
michael.laronge@fcpotawatomi-nsn.gov
Cc: Carmany-George, Karstin (FHWA); Miller, Shaun (INDOT); Korzeniewski, Patricia J; Ross, Anthony; Laura.Jack@mbakerintl.com; Karen Wood; Branigin, Susan
Subject: FHWA Project: Des. No. 1801933; HPSR and Archaeology Report, Hively Avenue Grade Separation Project, Elkhart County, Indiana

Des. No.: 1801933
Project Description: Grade Separation Project
Location: Elkhart, Elkhart County, Indiana

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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 contacts may enter the process at any time and are encouraged to respond to this notification with any comments or concerns at their earliest convenience.

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

Thank you in advance for your input,

Sincerely,

Patricia Jo Korzeniewski
Archaeologist and Environmental Manager
INDOT, Cultural Resources Office
100 North Senate Avenue, N758-ES
Indianapolis, Indiana 46204
PKorzeniewski@indot.in.gov
[1-317-416-4377](tel:1-317-416-4377)



INDIANA DEPARTMENT OF TRANSPORTATION

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

PHONE: (317) 296-0799

Eric Holcomb, Governor
Joe McGuinness, Commissioner

March 24, 2021

This letter was sent to the listed parties.

RE: Hively Avenue Grade Separation Project, Elkhart County, Indiana, Des. No. 1801933; DHPA No. 25770

Dear Consulting Party,

The City of Elkhart, with administrative oversight from the Indiana Department of Transportation (INDOT), proposes to proceed with the Hively Avenue Grade Separation Project, Des. No. 1801933. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

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 June 8, 2020.

The proposed undertaking is on Hively Avenue, extending from Bismark Avenue to Hazel Street in the City of Elkhart, Elkhart County, Indiana. It is within Concord Township, *Elkhart, IN* USGS Topographic Quadrangle, in Sections 15 and 16, Township 37 North, Range 5 East.

The purpose of this project is to improve safety and mobility of the existing section along Hively Avenue. The need for this project is based on vehicle backups and congestion that occur at the Norfolk Southern Railroad at-grade-crossing and adjacent intersections due to frequent train traffic. Currently, approximately 70-100 trains a day utilize the railroad tracks at Hively Avenue, inhibiting mobility for the 6,000 vehicles a day that use Hively Avenue. There have not been any accidents at this grade crossing, but the number of trains per day creates dangerous queuing into nearby intersections.

Hively Avenue consists of two eastbound and two westbound travel lanes (four lanes total), varying in roadway width from 11-foot-wide to 15-foot-wide throughout the project limits. Within the project area, there are fourteen intersections along Hively Avenue, in addition to the at-grade crossing with Norfolk Southern Railroad. The intersection with South Main Street is signalized. The rail crossing, which is located between South Main Street and Sterling Avenue, is controlled with flashers and gates.

The proposed project would eliminate the existing Norfolk Southern Railroad grade crossing at Hively Avenue by realigning Hively Avenue to the south and carrying it over three existing railroad tracks, South Main Street, and Hammond Avenue on two new bridges. The realigned Hively Avenue will tie back into the existing alignment near Monger Avenue to the west and Warren Street to the east. The existing Hively Avenue and South Main Street intersection would be reconfigured into a T-intersection with Hively Avenue ending at South Main Street. The proposed bridge design includes one single-span structure with an 85-foot-long span going over South Main Street and one two-span bridge with two 126-foot-long spans going over the Norfolk Southern Railroad and Hammond Avenue. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridges), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project.

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It is anticipated that approximately 9.55 acres of permanent and 0.27 acre of temporary for a total of 9.82 acres of right-of-way acquisition will be required. Maintenance of traffic will be controlled by offsetting the new Hively Avenue alignment so the existing Hively Avenue can mostly remain open during construction. It is anticipated that 20 residential and 3 commercial properties would be relocated as a result of the proposed project. Letting is scheduled for November 2022.

Michael Baker International, Inc. is under contract with the City of Elkhart to advance the environmental documentation for the referenced project. SJCA, Inc., formerly Green 3, LLC, has been subcontracted to complete the Section 106 documentation for the project.

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

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

INDOT and FHWA shall complete the Section 106 process for this project even if FHWA funding is not allocated to this project.

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

A historian who meets the Secretary of the Interior's Professional Qualification Standards identified and evaluated above-ground resources within the APE for potential eligibility for the NRHP (Wood 2020). As a result of the historic property identification and evaluation efforts, no resources were recommended eligible for listing in the NRHP.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified 2 sites within the project area. As a result of these efforts, sites 12-E-505 and 12-E-506 were recommended not eligible for listing in the NRHP and no further work is recommended.

On June 23, 2020, the Miami Tribe of Oklahoma accepted consulting party status. They offered no objection to the project, since they were "not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site."

On July 7, 2020, SHPO responded, saying 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. However, if right-of-way is likely to be taken from a potentially historic property, it might be advisable to invite the owner of that property as soon as possible." No historic properties were identified, and thus no new property owners were invited to become consulting parties.

On July 8, 2020, the Forest County Potawatomi Community accepted consulting party status. They offered no objection to the project at this time but expressed interest in seeing the archaeology report.

The Historic Property Report and Archaeology Report are available for review in IN SCOPE at <http://erms.indot.in.gov/Section106Documents/> (the Des. No. is the most efficient search term, once in IN SCOPE). You are invited to review this document and 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.

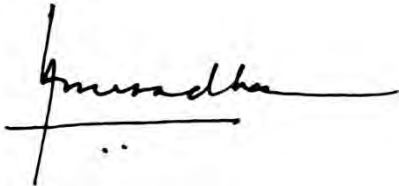
Please review the information and comment within thirty (30) calendar days of receipt. If you indicate that you do not desire to be a consulting party or if you have not previously accepted consulting party status and you do not respond to this letter, you will not be included on the list of consulting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

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

Sincerely,



Anuradha V. Kumar, Manager
Cultural Resources Office
Environmental Services

Distribution List:

Indiana State Historic Preservation Officer, rsharkey@dnr.in.gov; bmccord@dnr.in.gov
Forest County Potawatomi Community
Miami Tribe of Oklahoma



April 15, 2021

Karen Wood
SJCA Inc.
1104 Prospect Street
Indianapolis, Indiana 46203

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

Re: Historic property short report (Wood, 3/2021) and Phase Ia archaeological literature review and reconnaissance survey report (Jackson, 3/22/2021) for the Hively Avenue Grade Separation Project (an INDOT Local Trax Project) in Elkhart County, Indiana (Des. No. 1801933; DHPA No. 25770)

Dear Ms. Wood:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), 36 C.F.R. Part 800, and the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and the Indiana State Historic Preservation Officer Regarding the Implementation of the Federal Aid Highway Program In the State of Indiana,” the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has reviewed your March 24, 2021, review request submittal form, which enclosed the aforementioned reports, received by our office the same day for the aforementioned project (a Local Trax Project).

The proposed area of potential effects (“APE”) within the historic property short report (“HPSR”; Wood, 3/2021) appears to be of adequate size to encompass the geographic area in which direct and indirect effects of a project of this nature could occur.

For the purposes of the Section 106 review of this federal undertaking, we agree with the conclusions of the HPSR that there are no historic properties listed or eligible for inclusion in the National Register of Historic Places (“NRHP”) located within the project’s APE.

Regarding archaeology, thank you for the submission of the archaeological reconnaissance report (Jackson, 3/22/2021). A review of the report indicates that two archaeological sites were newly recorded as a result of the reconnaissance. Archaeological sites 12-E-0505 and 12-E-0506 are both historic scatters that date to the early and mid-late 20th century, respectively. It does not appear that these sites are eligible for inclusion in the National Register of Historic Places. Therefore, we concur with the recommendation that no further archaeological work is necessary at these sites.

Additionally, we concur with the recommendation that no further archaeological reconnaissance is needed for the proposed project, with the exception of the parcel within “Lot 9” that was not surveyed due to lack of landowner permission. We will look forward to receiving the results of the reconnaissance of this parcel, should landowner permission be obtained.

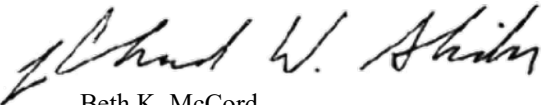
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29) requires that the discovery be reported to DNR-DHPA within two (2) business days. In that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

At this time, if no other consulting party raises issues with the conclusions of these reports, it might be appropriate for SJCA, Inc. to ask INDOT for a finding of effect for this undertaking.

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

In all future correspondence about the Hively Avenue Grade Separation Project in Elkhart County (Des. No. 1801933), please continue to refer to DHPA No. 25770.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:RAS:ras

emc: Kari Carmany-George, FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT
Anthony Ross, INDOT
Susan Branigin, INDOT
Forest County Potawatomie Community
Miami Tribe of Oklahoma
Karen Wood, SJCA, Inc.
Danielle Kauffmann, DNR-DHPA
Rachel Sharkey, DNR-DHPA



Pokégnek Bodéwadmik

POKAGON BAND OF POTAWATOMI
LANGUAGE & CULTURE

04/23/2021

Shaun Miller
INDOT
317-416-0876
Smiller@indot.in.gov

FHWA Project Des. No. 1801933

Dear Responsible Party:

Migweth for contacting me regarding these projects. As THPO, I am responsible for handling Section 106 Consultations on behalf of the tribe. I am writing to inform you that after reviewing the details for the project referenced above, I have made the determination that there will be No Historic Properties in Area of Potential Effects (APE) significant to the Pokagon Band of Potawatomi Indians. However, if any archaeological resources are uncovered during this undertaking, please stop work and contact me immediately. Should you have any other questions, please don't hesitate to contact me at your earliest convenience.

Sincerely,

Matthew J.N. Bussler
Tribal Historic Preservation Officer
Pokagon Band of Potawatomi Indians
Office: (269) 462-4316
Cell: (269) 519-0838
Matthew.Bussler@Pokagonband-nsn.gov

Historic Property Report & Archaeology Report Summary & Conclusions

Hively Avenue Grade Separation Project

HISTORIC PROPERTY SHORT REPORT

Elkhart, Concord Township, Elkhart County, Indiana
Des. No. 1801933; DHPA No. 25770

March 2021



Prepared for:
Michael Baker International
3815 River Crossing Pkwy, Suite 20
Indianapolis, IN 46240
By:

Karen Wood
Environmental and Cultural Resource Manager
SJCA, Inc.
Historic Fountain Square
1104 Prospect Street
Indianapolis, IN 46023

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 Hively Avenue Grade Separation Project in Elkhart, Concord Township, Elkhart County, Indiana (Des. No. 1801933). 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 (NRHP). As this project has the potential to receive funds from the Federal Highway Administration (FHWA), it is subject to a Section 106 review.

The APE contains no properties listed in the NRHP.

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

Area of Potential Effects Map (1:4,000)
 Grade Separation Project
 Hively Ave
 Des. No. 1801933
 Elkhart County, Indiana
 Source: Indiana OrthoImagery, 2011-2013



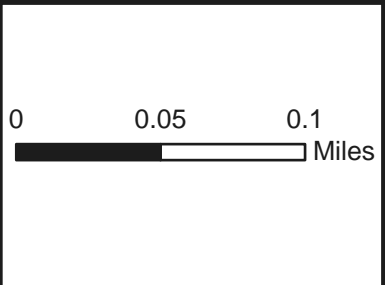
- | | |
|-------------------------|----------------------------|
| Project Location | County Survey Sites |
| APE Boundary | Outstanding |
| SJCA Survey Properties | Notable |
| Cemeteries | Contributing |
| National Register Sites | Non-Contributing |
| Historic Districts | Demolished |
| | Unknown or Not Rated |
- 2/3/2021



Area of Potential Effects Map (1:4,000)
 Grade Separation Project
 Hively Ave
 Des. No. 1801933
 Elkhart County, Indiana
 Source: Indiana OrthoImagery, 2011-2013




Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology



Project Location	County Survey Sites
APE Boundary	Outstanding
SJCA Survey Properties	Notable
Cemeteries	Contributing
National Register Sites	Non-Contributing
Historic Districts	Demolished
	Unknown or Not Rated

2/3/2021



Page 2 of 2



A Phase Ia Archaeological Literature Review and Reconnaissance Survey for the Proposed Hively Avenue, Elkhart Local Trax Railroad Grade Separation Project (Des 1801933) in the City of Elkhart, Concord Township, Elkhart County, Indiana

Archaeological report

March 22, 2021

Lead Agency: Indiana Department of Transportation

Prepared for:

Michael Baker International
3815 River Crossing Parkway, Suite 20
Indianapolis, Indiana 46240



Christopher Jackson, M.S., RPA
Archaeologist, Historian/QP
SJCA, Inc.
9102 North Meridian Street, Suite 200
Indianapolis, Indiana 46260

p. 317.634.4110

f. 866.422.2046

e. cjackson@sjcainc.com

SUMMARY AND CONCLUSIONS

In April 2019, Michael Baker International contracted SJCA, Inc. (formerly Green 3, LLC), to conduct a Phase Ia archaeological literature review and reconnaissance survey for the proposed Hively Avenue, Elkhart Local Trax Railroad grade separation project (Des 1801933) in the City of Elkhart, Concord Township, Elkhart County, Indiana.

This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

The proposed project is in the eastern quarter of Section 16, Township 37 North, Range 5 East, and the western quarter of Section 15, Township 37 North, Range 5 East. Hively Avenue runs east-west and bisects Sections 15 and 16, Township 37 North, Range 5 East on the USGS 1981 Elkhart quadrangle (7.5' topographic map).

The survey area was approximately 3,060 feet in length, 1,053 feet in width, and encompassed 23.1 acres, or 9.3 hectares.

The literature review determined that a small section of the survey area, which was along CR 45 (Hammond Avenue) and terminated at Hively Avenue had been professionally examined. The investigation was conducted by ARMS in 2003 for a proposed bike and pedestrian trail. No sites were recorded by that survey.

The records review determined that no archaeological sites have been recorded either in or near the survey area. No cemeteries or NRHP listed properties have been inventoried either in or within 100 feet of the survey area. A review of the historic cartographic sources and aerial photographs indicated that development of the area did not occur until the 20th century, with most of the development (residential and commercial) occurring after World War II.

The survey recorded two sites (12-E-505 and 12-E-506). Site 12-E-505 was a historic scatter that traversed two parcels. Diagnostic artifacts suggest that the site was utilized during the first quarter of the 20th century. No subsurface in situ archaeological features were documented at the site.

Site 12-E-506 was a historic scatter that appeared to have been associated with the mid to late 20th century. A possible feature (rubber pipe extending into a shovel probe) was encountered. Based on the artifacts collected and the possible feature, it can be ascertained that the site is a small historic scatter and part of the drainage system for the house that is situated to the south.

It is believed that further work on either site would not provide information that would enhance our understanding of the 20th century history of the region. Therefore, both sites fail to meet the minimum criteria for placement on the NRHP. No further work is recommended on either site.



Addendum: A Phase Ia Archaeological Literature Review and Reconnaissance Survey for the Proposed Hively Avenue, Elkhart Local Trax Railroad Grade Separation Project (Des 1801933) in the City of Elkhart, Concord Township, Elkhart County, Indiana

Archaeological Report

August 13, 2021

Lead Agency: Federal Highways Administration

Prepared for:

Michael Baker International, Inc.
3815 River Crossing Parkway, Suite 20
Indianapolis, Indiana 46240



Christopher Jackson, M.S., RPA
Archaeologist, Historian/QP
SJCA, Inc.
9102 North Meridian Street, Suite 200
Indianapolis, Indiana 46260

p. 317.566-0629

f. 866.422.2046

e. cjackson@sjcainc.com

MANAGEMENT SUMMARY

Michael Baker International, Inc. contracted SJCA, Inc. (SJCA), to conduct an addendum study for the Phase Ia archaeological literature review and reconnaissance survey for the proposed Hively Avenue, Elkhart Local Trax Railroad Grade Separation Project (Des 1801933) in the City of Elkhart, Concord Township, Elkhart County, Indiana.

The Local TRAX rail overpass program is a partnership with the Indiana Department of Transportation (INDOT), local communities, businesses, industry, and railroads to improve the quality of life for residents through large-scale, rail-related transportation projects. This project, which is part of INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future.

Since the Phase Ia archaeological survey of the proposed project, which was conducted by SJCA in December 2020 (Jackson 2021), additional temporary right-of-way and a truck route have been added to the project. This truck route, which extends the existing project limits along Warren Street to the intersection with Hammond Avenue, the additional temporary right-of-way, and a parcel that had been bypassed during the original survey due to a disgruntled landowner, were examined by this addendum investigation and designated as the addendum survey area.

The addendum survey area, which encompassed 4.4 acres (1.8 hectares), is in the southeastern quarter of the southwestern quarter of the northwestern quarter of Section 15, Township 37 North, Range 5 East, as well as the southeastern quarter of the northwestern quarter of the southwestern quarter of Section 15, Township 37 North, Range 5 East on the USGS 1981 Elkhart quadrangle (7.5' topographic map).

An updated records review indicated that no section of the addendum survey area has been professionally examined, and that no sites have been previously recorded in it.

The survey recorded one site (12-E-522), which was a historic scatter. Diagnostic artifacts suggest that the site was utilized during the mid-20th century. No subsurface in situ archaeological features were documented at the site.

It is believed that further work on the site would not provide information that would enhance our understanding of the mid-20th century history of the region. Therefore, the site fails to meet the minimum criteria for placement in the National Register of Historic Places. No further work is recommended on site 12-E-522.

Appendix E:

Red Flag and Hazardous Materials



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 232-5113
FAX: (317) 233-4929

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

Date: October 11, 2019

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

From: Laura Jack
Michael Baker International
3815 River Crossing Parkway, Suite 20
Indianapolis, IN 46240
Laura.Jack@mbakerintl.com

Re: RED FLAG INVESTIGATION
DES #1801933, State Project
Railroad Grade Separation
East Hively and Norfolk Southern Railroad Crossing
Elkhart County, Indiana

PROJECT DESCRIPTION

Brief Description of Project: The Indiana Department of Transportation (INDOT) and the City of Elkhart have a proposed Local TRAX rail overpass project. The Project is located at the East Hively Avenue / Norfolk Southern Railroad crossing, (41.659462°N and -85.946735°W) and the East Hively Avenue / South Main Street intersection approximately 0.05 mile to the east. The project spans approximately 0.64 mile of East Hively Avenue from Sanders Avenue to Clayton Avenue in the City of Elkhart, Elkhart County, Indiana. The project will eliminate the existing railroad at-grade-crossing by creating a new grade separation (bridge) that will carry East Hively Avenue over both the Norfolk Southern Railroad and South Main Street. Additional modifications will be made to surrounding local streets to accommodate the new grade separation (bridge), including street connectivity, pavement improvements and new drainage infrastructure, as required for the project. The project will require both new permanent and temporary right-of-way and both residential and business relocations; however, the exact amount has yet to be determined.

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

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

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

Proposed right of way: Temporary # Acres ____ Permanent # Acres approximately 11.8 ac, Not Applicable

Type of excavation: Excavation will occur, approximately 8 ft at the proposed bridge location

Maintenance of traffic: MOT will be conducted with a detour

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

State Project: LPA:

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Any other factors influencing recommendations: The project is still in the early development phase.

INFRASTRUCTURE TABLE AND SUMMARY

Infrastructure			
Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Religious Facilities	2	Recreational Facilities	2
Airports ¹	N/A	Pipelines	1
Cemeteries	1	Railroads	1
Hospitals	N/A	Trails	5
Schools	1	Managed Lands	3

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

Religious Facilities: Two (2) religious facilities are located within the 0.5 mile search radius, but not shown on the GIS layer. Both the Zion Missionary Church and El Divino Redentor are located within the project area. Coordination with Zion Missionary Church and El Divino Redentor will occur.

Cemeteries: One (1) cemetery is located within the 0.5 mile search radius. While two cemetery icons are shown on the GIS layer, upon further review, they represent the same cemetery. The Prairie Street Cemetery is located approximately 0.42 mile west of the project area. No impact is expected.

Schools: One (1) school is located within the 0.5 mile search radius, but not shown on the GIS layer. Monger Elementary School is adjacent to the project area. Coordination with Monger Elementary School will occur.

Recreation Facility: Two (2) recreation facilities are located within the 0.5 mile search radius. Monger Elementary School is identified as a Recreation Facility and is adjacent to the project area. Coordination with Monger Elementary School will occur.

Pipelines: One (1) pipeline is located within the 0.5 mile search radius. The natural gas pipeline is located within the project area at the western termini of the project area and is owned by Northern Indiana Public Service Company. Coordination with INDOT Utilities and Railroads will occur.

Railroads: One (1) railroad is located within the 0.5 mile search radius. The Norfolk Southern Railroad is within the project area. Coordination with INDOT Utilities and Railroads will occur.

Trails: Five (5) trails are located within the 0.5 mile search radius. The nearest trail, Mapleheart Trail, runs through the project area and is owned by the Elkhart Park and Recreation Department. Coordination with the Elkhart Park and Recreation Department will occur.

Managed Lands: Three (3) managed lands are located within the 0.5 mile search radius. The nearest managed land is the Elkhart Environmental Center located approximately 0.19 mile north of the project area. No impact is expected.

WATER RESOURCES TABLE AND SUMMARY

Water Resources			
Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
NWI - Points	N/A	Canal Routes - Historic	N/A
Karst Springs	N/A	NWI - Wetlands	19
Canal Structures – Historic	N/A	Lakes	11
NPS NRI Listed	N/A	Floodplain - DFIRM	5
NWI-Lines	3	Cave Entrance Density	N/A
IDEM 303d Listed Streams and Lakes (Impaired)	1	Sinkhole Areas	N/A
Rivers and Streams	8	Sinking-Stream Basins	N/A

NWI-Lines: Three (3) NWI line segments are located within the 0.5 mile search radius. The nearest NWI line is located approximately 0.41 mile east of the project area. No impact is expected.

IDEM 303d Listed Streams and Lakes (Impaired): One (1) impaired stream segment is located within the 0.5 mile search radius. Elkhart River is listed for E. Coli and PCBs (and/or mercury) in fish tissue. Elkhart River is approximately 0.41 mile north of the project area. No impact is expected.

Rivers and Streams: Eight (8) streams are located within the 0.5 mile search radius. The nearest stream, Howard Ditch (according to the Elkhart County drainage map), is located approximately 0.05 mile southwest of the project area. No impact is expected.

NWI Wetlands: Nineteen (19) wetlands are located within the 0.5 mile search radius. The nearest wetland is located approximately 0.22 mile north of the project area. No impact is expected.

Lakes: Eleven (11) lakes are located within the 0.5 mile search radius. The nearest lake is located approximately 0.28 mile north of the project area. No impact is expected.

Floodplains: Five (5) floodplain polygons are located within the 0.5 mile search radius. The nearest floodplain is located approximately 0.24 mile north of the project area. No impact is expected.

URBANIZED AREA BOUNDARY SUMMARY

Urbanized Area Boundary (UAB): This project lies within the Elkhart, Goshen (Elkhart County) UAB. Post construction Storm Water Quality Best Management Practices (BMPs) may need to be considered. An early coordination letter with topographic and aerial maps showing the project area should be sent to the Elkhart County MS4 Coordinator, John Heiliger, at 4230 Elkhart Road, Goshen, Indiana 46526.

MINING AND MINERAL EXPLORATION TABLE AND SUMMARY

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

No Mining and Mineral Exploration features are mapped within the 0.5 mile search radius.

HAZARDOUS MATERIAL CONCERNS TABLE AND SUMMARY

Hazardous Material Concerns			
Indicate the number of items of concern found within the 0.5 mile search radius. If there are no items, please indicate N/A:			
Superfund	N/A	Manufactured Gas Plant Sites	N/A
RCRA Generator/ TSD	2	Open Dump Waste Sites	N/A
RCRA Corrective Action Sites		Restricted Waste Sites	N/A
State Cleanup Sites	N/A	Waste Transfer Stations	N/A
Septage Waste Sites	N/A	Tire Waste Sites	N/A
Underground Storage Tank (UST) Sites	10	Confined Feeding Operations (CFO)	N/A
Voluntary Remediation Program	N/A	Brownfields	1
Construction Demolition Waste	N/A	Institutional Controls	N/A
Solid Waste Landfill	1	NPDES Facilities	1
Infectious/Medical Waste Sites	N/A	NPDES Pipe Locations	1
Leaking Underground Storage (LUST) Sites	3	Notice of Contamination Sites	N/A

RCRA Generator: Two (2) RCRA generator sites were identified within the 0.5 mile search radius. One (1), Adorn Incorporated ID# 12647, is physically located at 1808 Hively Ave, Elkhart 46516, which is outside of the 0.5 mile search radius. One (1) RCRA generator, 7-Eleven AI # 30269, is located within the project area. 7-Eleven is located at 2700 S Main Street, is an active gas station (USTs), and is also a LUST site; a Phase I Environmental Site Assessment is recommended.

Underground Storage Tank (UST) Sites: Ten (10) UST sites were identified within the 0.5 mile search radius. Two (2) sites are located within the project area. One site, Santarossa Mosaic & Tile Company AI #19294, is located at 2707 Roosevelt Avenue, Indianapolis, Indiana, according to the IDEM Virtual File Cabinet (VFC); therefore, no impact is expected.

- IRA C Mast & Son Incorporated, 2510 Sterling Ave, AI #32183 is located 0.01 mile east of the project area. Three USTs were removed from the site in 1990. It appears as though a release of petroleum occurred; however, the extents were never delineated. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

Solid Waste Landfill: One (1) landfill is located within the 0.5 mile search radius. Lusher Avenue Landfill is located approximately 0.23 mile north of the project area. No impact is expected.

Leaking Underground Storage (LUST) Sites: Three (3) LUST sites are located within the 0.5 mile search radius. Two (2) LUST sites are located within the project area:

- 7-Eleven, 2700 S Main Street, AI# 30269 is located within the project area. The site is no longer sampled; however, it appears as though residual soil and groundwater impacts remain on-site and may extend into the rights-of-way. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary.

- Wade's Service Station, 2644 Sterling Ave, AI# 31162 is located within the project area but is shown outside of the project area on the GIS layer. The IDEM issued a No Further Action (NFA) determination dated December 22, 2006 for LUST Incident #199901533 / FID#8663 based on soil and groundwater analytical results at or below IDEM RISC residential default closure levels. While this site received an NFA, vent pipes were observed at the current auto body shop occupant building and this site is located adjacent to both the railroad at-grade-crossing and East Hively Avenue / South Main intersection at the center of the project area. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

Brownfields: One (1) Brownfield site is located within the 0.5 mile search radius. The brownfield site, Ponce Property, 101 and 2111 S Main Street, AI #108969, is located approximately 0.46 mile north of the project area. No impact is expected.

NPDES Facilities: One (1) NPDES facility was identified within the 0.5 mile search radius on the GIS layer; the IDEM VFC lists SMS Pauls Auto Yard LLC at 1750 W Lusher Avenue, which is located outside the 0.5 mile radius. No impact is expected.

NPDES Pipe Locations: One (1) NPDES pipe location was identified within the 0.5 mile search radius. The pipe location is located approximately 0.49 mile north of the project area. No impact is expected.

The potential for additional hazardous material sites not included in the GIS mapping layers were identified via review of INDOT supplied documents, Google Earth / Street View October 2018, and during a site visit conducted by Michael Baker on June 7, 2019. These include a dry cleaner, a former foundry, automotive repair/salvage facilities, and railroad tracks located within the project limits. A Phase I Environmental Site Assessment is recommended.

ECOLOGICAL INFORMATION SUMMARY

The Elkhart County listing of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high quality natural communities is attached with ETR species highlighted. A preliminary review of the Indiana Natural Heritage Database by INDOT Environmental Services did indicate the presence of ETR species within the 0.5 mile search radius. Coordination with USFWS and IDNR will occur.

A review of the USFWS database did not indicate the presence of endangered bat species in or within the 0.5 mile of the project area. The project area is located in a commercial, industrial, and residential area. The range-wide programmatic consultation for the Indiana Bat and Northern Long-eared Bat will be completed according to the most recent "Using the USFWS's IPaC System for Listed Bat Consultation for INDOT Projects".

An inquiry using the USFWS Information for Planning and Consultation (IPaC) website did not indicate the presence of the federally endangered species, the Rusty Patched Bumble Bee, in or within 0.5 mile of the project area. No impact is expected.

RECOMMENDATIONS SECTION

Include recommendations from each section. If there are no recommendations, please indicate N/A:

INFRASTRUCTURE:

Religious Facilities: Two (2) religious facilities are located within the project area. Coordination with Zion Missionary Church and El Divino Redentor will occur.

Schools: One (1) school is adjacent to the project area. Coordination with Monger Elementary School will occur.

Recreation Facility: One (1) recreation facility is adjacent to the project area. Coordination with Monger Elementary School will occur.

Pipelines: One (1) pipeline is within the project area. Coordination with INDOT Utilities and Railroads will occur.

Railroads: One (1) railroad, Norfolk Southern Railroad, is located within the project area. Coordination with INDOT Utilities and Railroads will occur.

Trails: One (1) trail is located within the project area. Coordination with the Elkhart Park and Recreation Department will occur.

WATER RESOURCES: N/A

URBANIZED AREA BOUNDARY:

This project lies within the Elkhart, Goshen (Elkhart County) UAB. Post construction Storm Water Quality Best Management Practices (BMPs) may need to be considered. An early coordination letter with topographic and aerial maps showing the project area should be sent to the Elkhart County MS4 Coordinator, John Heiliger, at 4230 Elkhart Road, Goshen, Indiana 46526.

MINING/MINERAL EXPLORATION: N/A

HAZMAT CONCERNS:

- 7-Eleven, 2700 S Main Street, is a RCRA site, an active gas station (USTs), and is also a LUST site. The site is no longer sampled; however, it appears as though residual soil and groundwater impacts remain on-site and may extend into the rights-of-way. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary.
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The potential for additional hazardous material sites not included in the GIS mapping layers were identified via review of INDOT supplied documents, Google Earth / Street View October 2018, and during a site visit conducted by Michael Baker on June 7, 2019. These include a dry cleaner, a former foundry, automotive repair/salvage facilities, and railroad tracks located within the project limits. A Phase I Environmental Site Assessment is recommended.

ECOLOGICAL INFORMATION: Coordination with USFWS and IDNR will occur. The range-wide programmatic consultation for the Indiana Bat and Northern Long-eared Bat will be completed according to the most recent "Using the USFWS's IPaC System for Listed Bat Consultation for INDOT Projects".

Nicole Fohey-
Breting

Digitally signed by
Nicole Fohey-Breting
Date: 2019.11.08
14:13:18 -05'00'

INDOT Environmental Services concurrence: _____ (Signature)

Prepared by:

Laura Jack
Environmental Scientist
Michael Baker International

Graphics:

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

SITE LOCATION: YES

INFRASTRUCTURE: YES

WATER RESOURCES: YES

URBANIZED AREA BOUNDARY: YES

MINING/MINERAL EXPLORATION: N/A

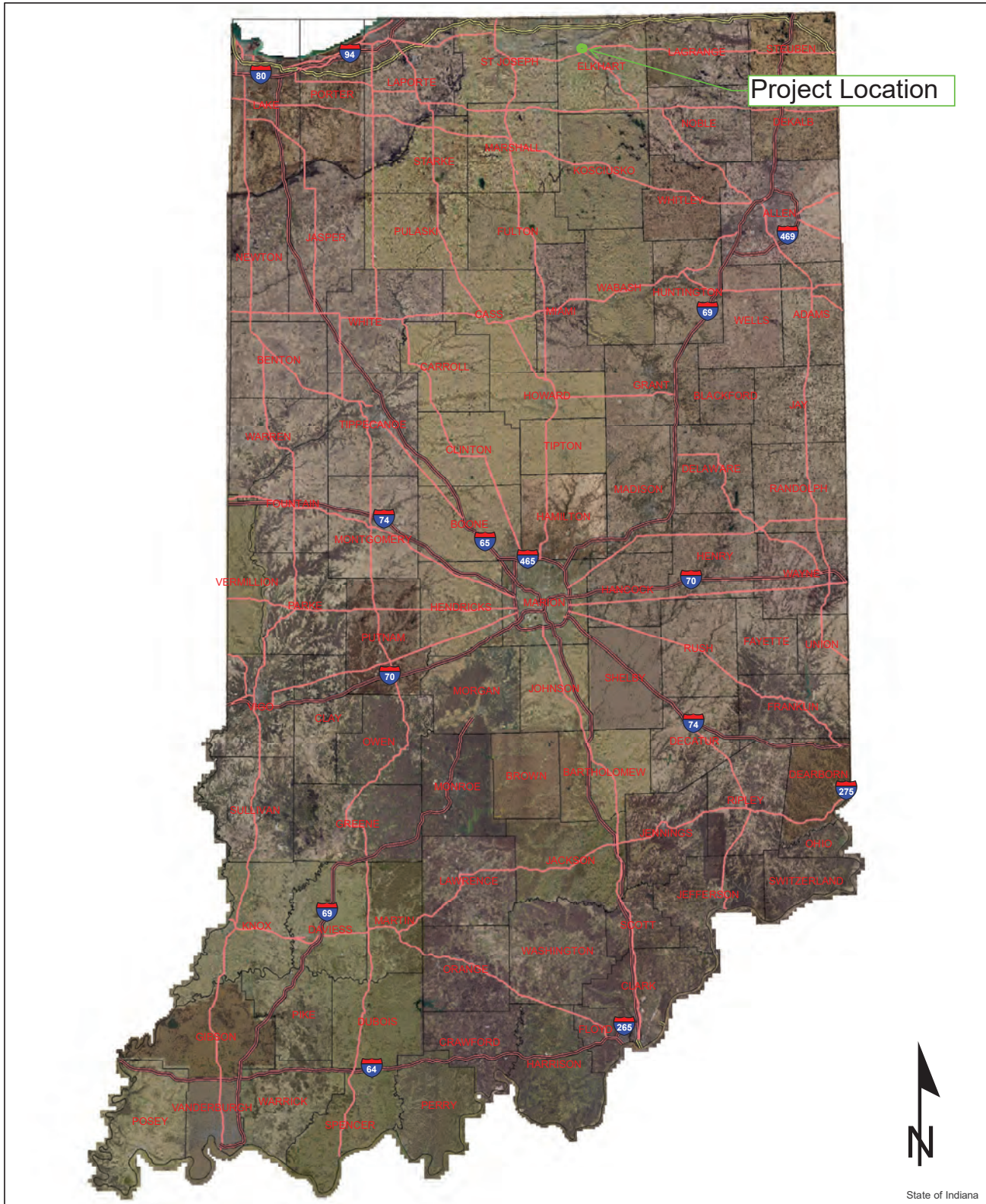
HAZMAT CONCERNS: YES

Red Flag Investigation -Project Location Map

E Hively Avenue and Norfolk Southern RR Crossing

Des. No. 1801933, Grade Separation

Elkhart County, Indiana

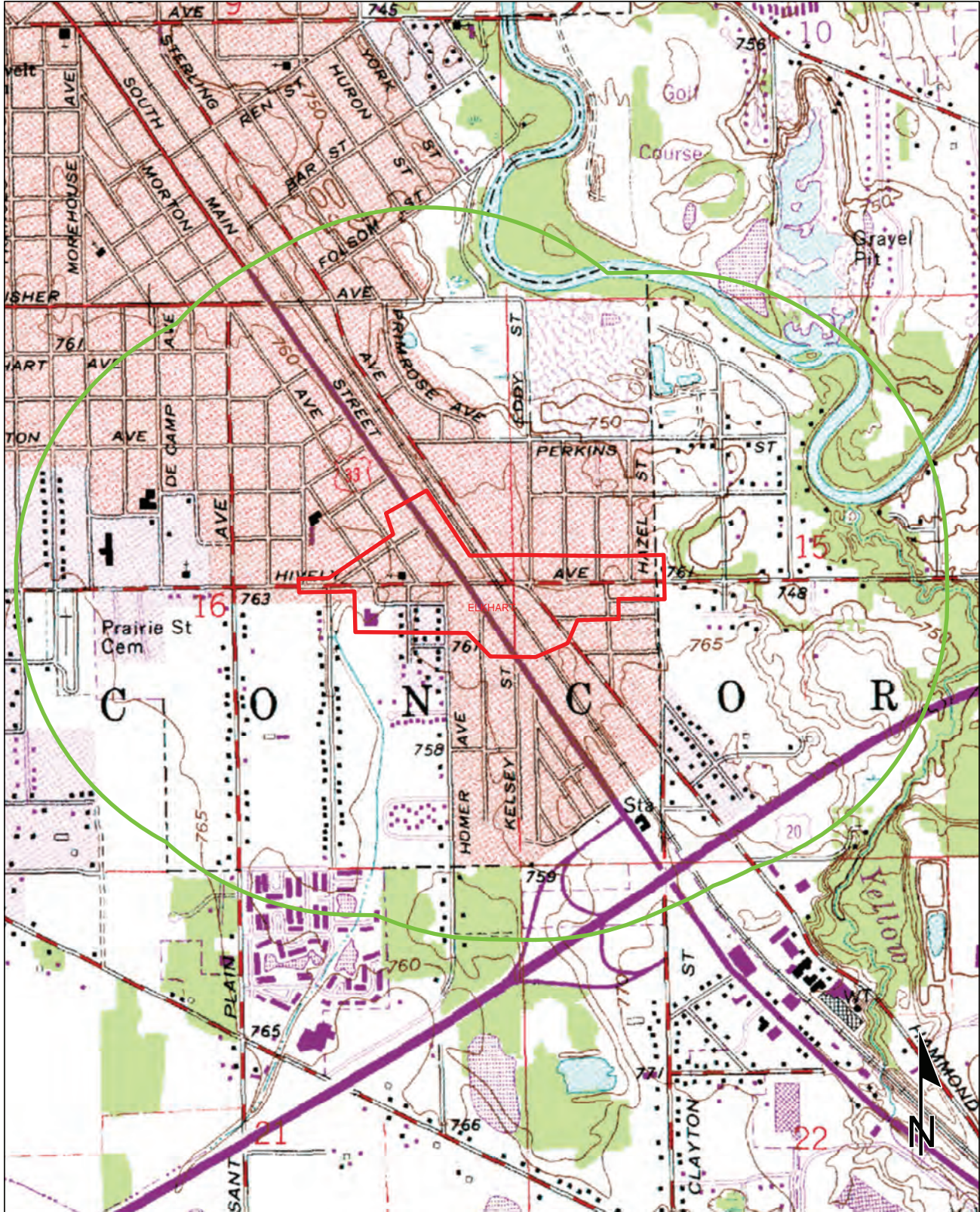


Sources: 25 12.5 0 25 Miles
Non Orthophotography
 Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: UTM Zone 16 N Map Datum: NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Project Location	Toll	US
County Boundary	Interstate	

Red Flag Investigation - Site Location
 E Hively Avenue and Norfolk Southern RR Crossing
 Des. No. 1801933, Grade Separation
 Elkhart County, Indiana



Sources: 0.2 0.1 0 0.2 Miles
Non Orthophotography
 Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: UTM Zone 16 N Map Datum: NAD83
 This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

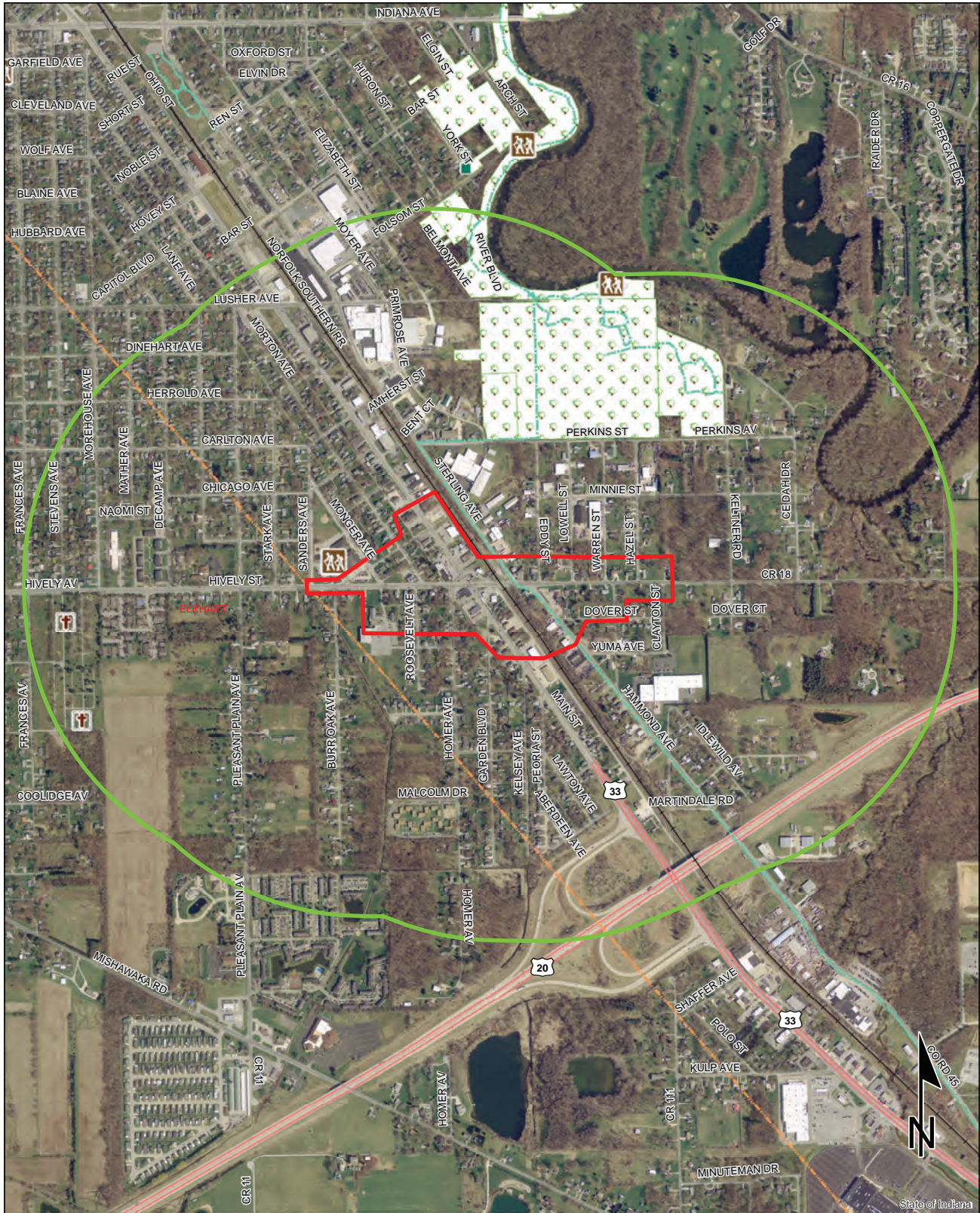
ELKHART QUADRANGLE
 INDIANA
 7.5 MINUTE SERIES
 (TOPOGRAPHIC)

Red Flag Investigation - Infrastructure

E Hively Avenue and Norfolk Southern RR Crossing

Des. No. 1801933, Grade Separation

Elkhart County, Indiana



Sources:
Non Orthophotography:
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

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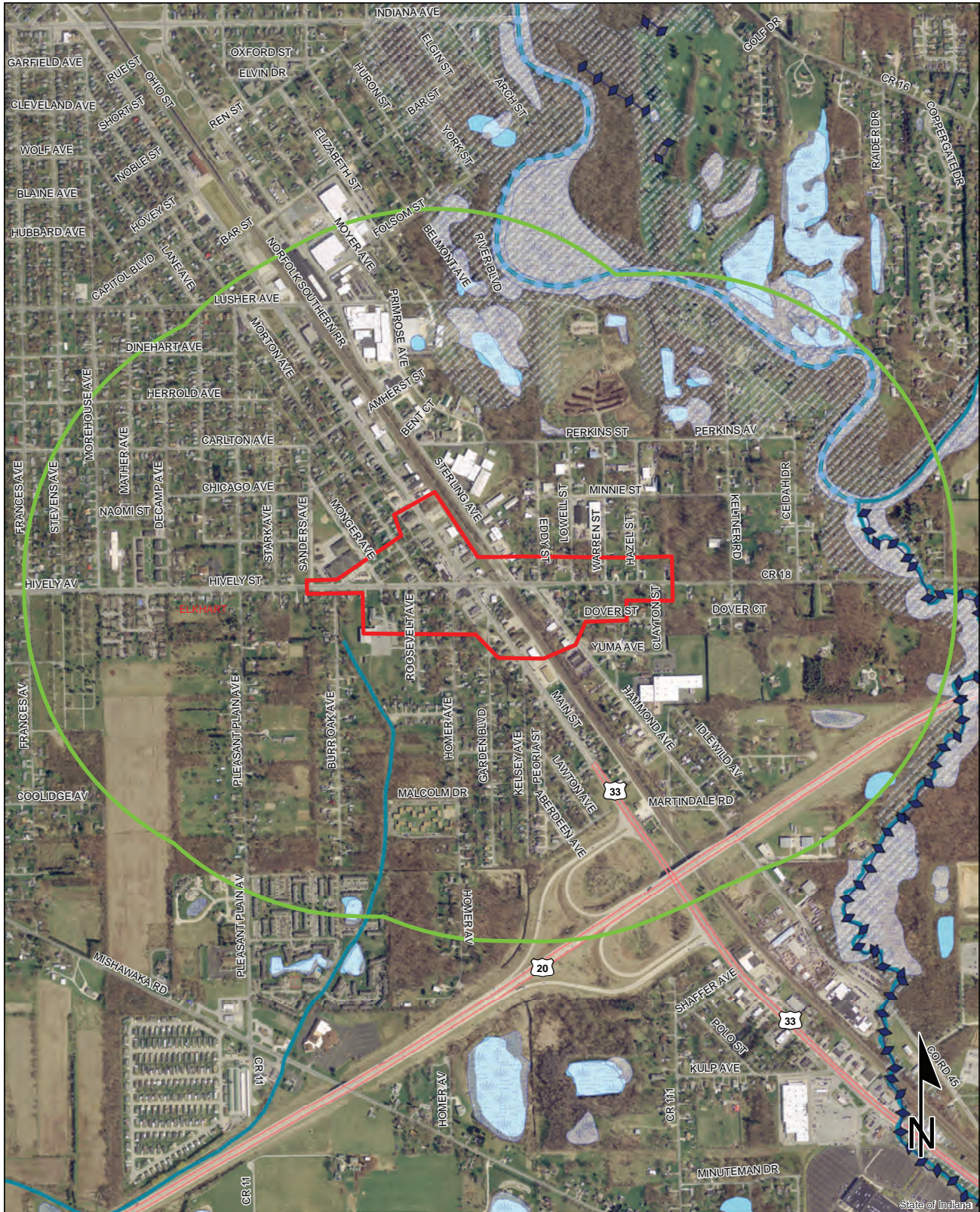
	Religious Facility		Recreation Facility		Project Area
	Airport		Pipeline		Half Mile Radius
	Cemeteries		Railroad		Toll
	Hospital		Trails		Interstate
	School		Managed Lands		State Route
			County Boundary		US Route
					Local Road

Red Flag Investigation - Water Resources

E Hively Avenue and Norfolk Southern RR Crossing

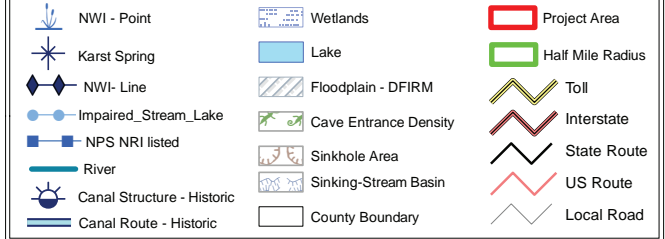
Des. No. 1801933, Grade Separation

Elkhart County, Indiana

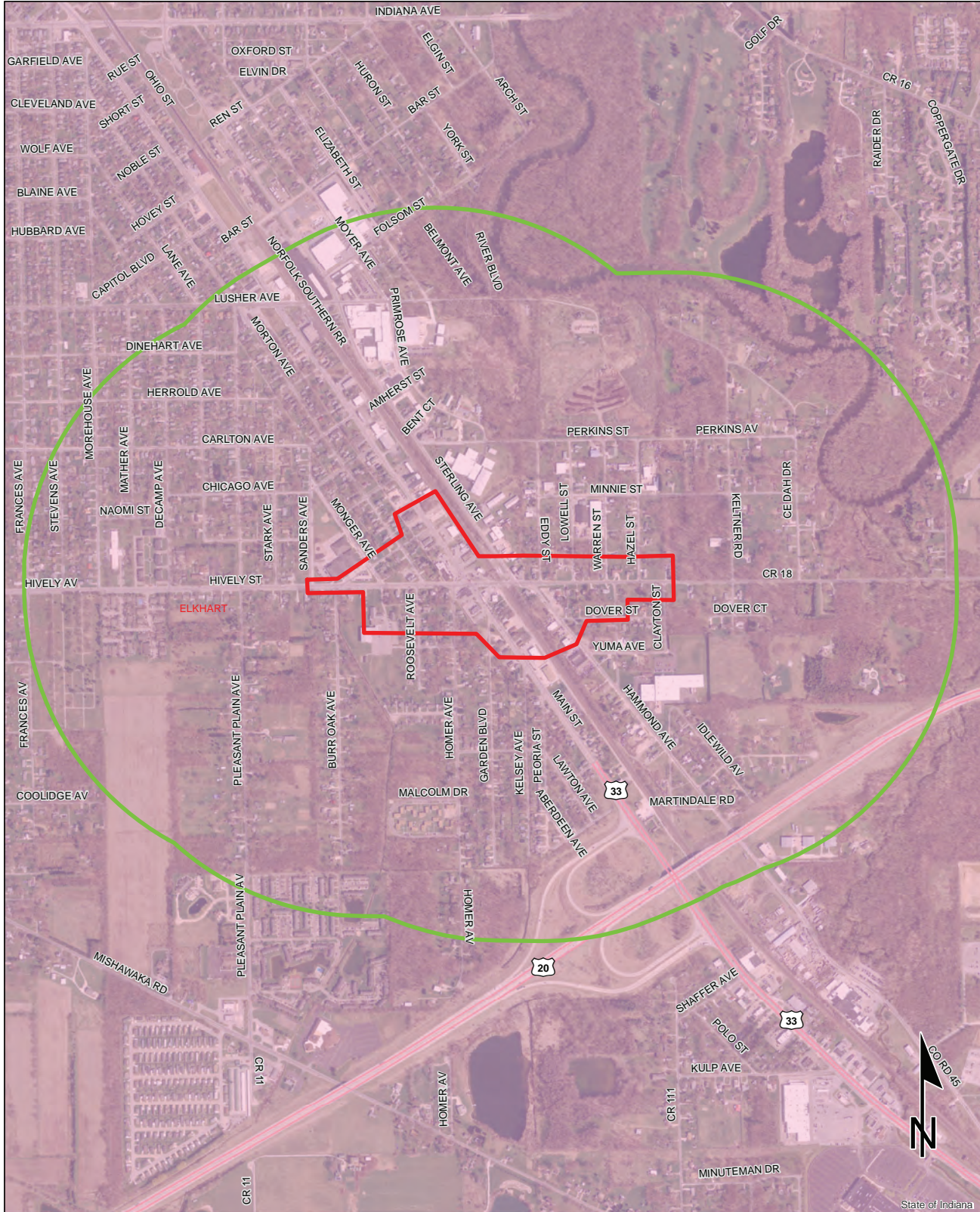


Sources:
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Map Projection: UTM Zone 16 N **Map Datum:** NAD83

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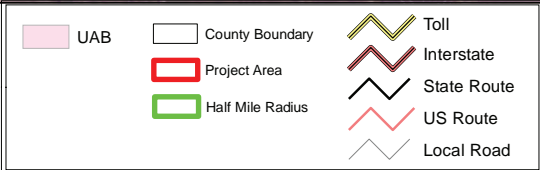


Red Flag Investigation -Urbanized Area Boundary E Hively Avenue and Norfolk Southern RR Crossing Des. No. 1801933, Grade Separation Elkhart County, Indiana



Sources:
Non Orthophotography - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

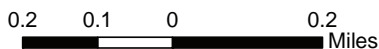
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.



Red Flag Investigation -Hazardous Material Concerns E Hively Avenue and Norfolk Southern RR Crossing Des. No. 1801933, Grade Separation Elkhart County, Indiana



	Brownfield		RCRA Generator/TSD		Institutional Controls
	RCRA Corrective Action Sites		Restricted Waste Site		County Boundary
	Confined Feeding Operation Notice_of_Contamination		Septage Waste Site		Project Area
	Construction/Demolition Site		Solid Waste Landfill		Half Mile Radius
	Infectious/Medical Waste Site		State Cleanup Site		Toll
	Leaking Underground Storage Tank		Superfund		Interstate
	Manufactured Gas Plant		Tire Waste Site		State Route
	NPDES Facilities		Underground Storage Tank		US Route
	NPDES Pipe Locations		Voluntary Remediation Program		Local Road
	Open Dump Waste Site		Waste Transfer Station		



This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Indiana County Endangered, Threatened and Rare Species List

County: Elkhart

Species Name	Common Name	FED	STATE	GRANK	SRANK
Mollusk: Bivalvia (Mussels)					
Venustaconcha ellipsiformis	Ellipse		SSC	G4	S2
Mollusk: Gastropoda					
Campeloma decisum	Pointed Campeloma		SSC	G5	S2
Insect: Coleoptera (Beetles)					
Nicrophorus americanus	American Burying Beetle	LE	SX	G2G3	SX
Insect: Hymenoptera					
Formica ulkei				G5	S1
Insect: Lepidoptera (Butterflies & Moths)					
Apamea lignicolora	The Wood-colored Apamea		ST	G5	S1S2
Apamea nigrior	Black-dashed Apamea		SR	G5	S2S3
Capis curvata	Curved Halter Moth		ST	G5	S2S3
Catocala praeclara	Praeclara Underwing		SR	G5	S2S3
Crambus girardellus	Orange-striped Sedge Moth		SR	GNR	S2S3
Dasychira cinnamomea	Cinnamon Tussock Moth		SR	G4	S1
Exyra fax	Pitcher Window Moth		SE	G4	S1S2
Iodopepla u-album	White-eyed Borer Moth		SR	G5	S2
Leucania multilinea	Many-lined Wainscot		SR	G5	S1S2
Macrochilo absorptalis	Slant-lined Owlet		SR	G4G5	S2S3
Macrochilo hypocritalis	Twin-dotted Macrochilo		SR	G4	S2
Melanomma auricinctaria	Huckleberry Eye-spot Moth		SR	G4	S2S3
Papaipema appassioanata	The Pitcher Plant Borer Moth		SE	G4	S1
Papaipema speciosissima	The Royal Fern Borer Moth		ST	G4	S2S3
Insect: Odonata (Dragonflies & Damselflies)					
Sympetrum semicinctum	Band-winged Meadowhawk		SR	G5	S2S3
Insect: Tricoptera (Caddisflies)					
Setodes oligus	A Caddisfly		SE	G5	S1
Fish					
Coregonus artedi	Cisco		SSC	G5	S2
Ichthyomyzon fossor	Northern Brook Lamprey		SE	G4	S1
Moxostoma valenciennesi	Greater Redhorse		SE	G4	S2
Rhinichthys cataractae	Longnose Dace		SSC	G5	S2
Amphibian					
Necturus maculosus	Common mudpuppy		SSC	G5	S2
Reptile					
Clemmys guttata	Spotted Turtle	C	SE	G5	S2
Clonophis kirtlandii	Kirtland's Snake		SE	G2	S2
Emydoidea blandingii	Blanding's Turtle	C	SE	G4	S2
Macrochelys temminckii	Alligator Snapping Turtle	C	SE	G3G4	SH

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

Indiana County Endangered, Threatened and Rare Species List

County: Elkhart

Species Name	Common Name	FED	STATE	GRANK	SRANK
<i>Sistrurus catenatus</i>	Eastern Massasauga	LT	SE	G3	S2
<i>Terrapene carolina carolina</i>	Eastern Box Turtle		SSC	G5T5	S3
Bird					
<i>Bartramia longicauda</i>	Upland Sandpiper		SE	G5	S3B
<i>Botaurus lentiginosus</i>	American Bittern		SE	G5	S2B
<i>Certhia americana</i>	Brown Creeper			G5	S2B
<i>Circus hudsonius</i>	Northern Harrier		SE	G5	S2
<i>Cistothorus palustris</i>	Marsh Wren		SE	G5	S3B
<i>Cistothorus platensis</i>	Sedge Wren		SE	G5	S3B
<i>Empidonax alnorum</i>	Alder Flycatcher			G5	S2B
<i>Grus canadensis</i>	Sandhill Crane		SSC	G5	S2B,S1N
<i>Haliaeetus leucocephalus</i>	Bald Eagle		SSC	G5	S2
<i>Ixobrychus exilis</i>	Least Bittern		SE	G5	S3B
<i>Lanius ludovicianus</i>	Loggerhead Shrike		SE	G4	S3B
<i>Pandion haliaetus</i>	Osprey		SSC	G5	S1B
<i>Rallus elegans</i>	King Rail		SE	G4	S1B
<i>Rallus limicola</i>	Virginia Rail		SE	G5	S3B
Mammal					
<i>Condylura cristata</i>	Star-nosed Mole		SSC	G5	S2?
<i>Mustela nivalis</i>	Least Weasel		SSC	G5	S2?
<i>Taxidea taxus</i>	American Badger		SSC	G5	S2
Vascular Plant					
<i>Actaea rubra</i>	Red Baneberry		ST	G5	S2
<i>Amelanchier humilis</i>	Running Serviceberry		SE	G5	S1
<i>Andromeda glaucophylla</i>	Bog Rosemary		ST	G5T5	S2
<i>Besseyia bullii</i>	Kitten Tails		SE	G3	S1
<i>Boechera stricta</i>	Drummond Rockcress		SE	G5	S1
<i>Borodinia missouriensis</i>	Missouri Rockcress		SE	G5	S1
<i>Carex bebbii</i>	Bebb's Sedge		SR	G5	S3
<i>Carex debilis</i> var. <i>rudgei</i>	White-edge Sedge		WL	G5T5	S3
<i>Carex straminea</i>	Straw Sedge		ST	G5	S2
<i>Chimaphila umbellata</i> ssp. <i>cisatlantica</i>	Pipsissewa		SE	G5T5	S1
<i>Dendrolycopodium hickeyi</i>	Hickey's Clubmoss		SR	G5	S3
<i>Dendrolycopodium obscurum</i>	Tree Clubmoss		SR	G5	S3
<i>Eleocharis equisetoides</i>	Horse-tail Spikerush		SE	G4	S1
<i>Eleocharis robbinsii</i>	Robbins Spikerush		ST	G4G5	S2
<i>Epigaea repens</i>	Trailing Arbutus		SR	G5	S3
<i>Eriocaulon aquaticum</i>	Pipewort		SE	G5	S1
<i>Eriophorum gracile</i>	Slender Cotton-grass		ST	G5	S2
<i>Eriophorum viridicarinatum</i>	Green-keeled Cotton-grass		SR	G5	S2

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Indiana County Endangered, Threatened and Rare Species List

County: Elkhart

Species Name	Common Name	FED	STATE	GRANK	SRANK
<i>Fuirena pumila</i>	Dwarf Umbrella-sedge		ST	G4	S2
<i>Geranium robertianum</i>	Herb-robert		SR	G5	S3
<i>Juniperus communis</i> var. <i>depressa</i>	Ground Juniper		SR	G5T5	S3
<i>Linum striatum</i>	Ridged Yellow Flax		WL	G5	S3
<i>Malaxis unifolia</i>	Green Adder's-mouth Orchid		SE	G5	S1
<i>Matteuccia struthiopteris</i>	Ostrich Fern		SR	G5	S3
<i>Milium effusum</i>	Tall Millet-grass		ST	G5	S1
<i>Minuartia michauxii</i> var. <i>michauxii</i>	Michaux's Stitchwort		ST	G5T5	S2
<i>Pinus strobus</i>	Eastern White Pine		SR	G5	S3
<i>Piptochaetium avenaceum</i>	Blackseed Needlegrass		SR	G5	S3
<i>Platanthera leucophaea</i>	Prairie White-fringed Orchid	LT	SE	G2G3	S1
<i>Platanthera psycodes</i>	Small Purple-fringe Orchid		SR	G5	S2
<i>Poa paludigena</i>	Bog Bluegrass		SR	G3	S3
<i>Potamogeton pulcher</i>	Spotted Pondweed		ST	G5	S2
<i>Pseudognaphalium macounii</i>	Winged Cudweed		SX	G5	SX
<i>Pyrola americana</i>	American Wintergreen		ST	G5	S2
<i>Quercus prinoides</i>	Dwarf Chinquapin Oak		SE	G5	S1
<i>Rhynchospora macrostachya</i>	Tall Beaked-rush		SR	G4	S3
<i>Rhynchospora scirpoides</i>	Long-beaked Baldrush		SR	G4	S3
<i>Schoenoplectiella purshiana</i>	Weakstalk Bulrush		SR	G4G5	S3
<i>Schoenoplectiella smithii</i>	Smith's Bulrush		ST	G5?	S2
<i>Selaginella rupestris</i>	Ledge Spike-moss		SE	G5	S1
<i>Spiranthes lucida</i>	Shining Ladies'-tresses		SR	G4	S3
<i>Symphotrichum boreale</i>	Rushlike Aster		ST	G5	S2
<i>Triantha glutinosa</i>	False Asphodel		ST	G5	S2
<i>Utricularia cornuta</i>	Horned Bladderwort		SE	G5	S1
<i>Utricularia minor</i>	Lesser Bladderwort		ST	G5	S1
<i>Utricularia purpurea</i>	Purple Bladderwort		SR	G5	S3
<i>Vaccinium oxycoccos</i>	Small Cranberry		ST	G5	S2
<i>Valerianella chenopodiifolia</i>	Goose-foot Corn-salad		WL	G4	S3
<i>Xyris difformis</i>	Carolina Yellow-eyed Grass		ST	G5	S2
High Quality Natural Community					
Forest - floodplain mesic	Mesic Floodplain Forest		SG	G3?	S1
Forest - floodplain wet-mesic	Wet-mesic Floodplain Forest		SG	G3?	S3
Forest - upland mesic Northern Lakes	Northern Lakes Mesic Upland Forest		SG	GNR	S1
Lake - lake	Lake		SG	GNR	S2
Prairie - sand dry-mesic	Dry-mesic Sand Prairie		SG	G3	S3
Wetland - beach marl	Marl Beach		SG	G3	S2
Wetland - bog acid	Acid Bog		SG	G3	S2

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

Indiana County Endangered, Threatened and Rare Species List

County: Elkhart

Species Name	Common Name	FED	STATE	GRANK	SRANK
Wetland - bog circumneutral	Circumneutral Bog		SG	G3	S3
Wetland - fen	Fen		SG	G3	S3
Wetland - flat muck	Muck Flat		SG	G2	S2
Wetland - flat sand	Sand Flat		SG	G2	S1
Wetland - marsh	Marsh		SG	GU	S4
Wetland - swamp shrub	Shrub Swamp		SG	GU	S2

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
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INDIANA DEPARTMENT OF TRANSPORTATION

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

PHONE: (317) 694-8283

Eric Holcomb, Governor
Joe McGuinness,
Commissioner

Date: July 22, 2021

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

From: Laura Jack
Michael Baker International
3815 River Crossing Parkway, Suite 20
Indianapolis, IN 46240
Laura.Jack@mbakerintl.com

Re: RED FLAG INVESTIGATION ADDENDUM
DES #1801933, State Project
Railroad Grade Separation
East Hively and Norfolk Southern Railroad Crossing
Elkhart County, Indiana

PROJECT DESCRIPTION

A review of the original RFI signed on November 8, 2019, for the above DES # indicated changes have occurred to the project scope. An additional area designated for a truck route has been added to the project. This additional area extends the existing project limits along Warren Street to the intersection with Hammond Avenue. This requires approximately 0.9 acres of additional ROW to the previously stated ROW amount.

Work on Warren Street will include a full depth reconstruction of the pavement. Paved shoulders will be added adjacent to each travel lane. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements to and from Hammond Avenue. Hammond Avenue will be widened and resurfaced at the intersection with Warren Street. Roadside ditches will be graded on both sides of the roadways and storm sewer pipes will be placed underneath drives. Ditch inlets will be provided, and driveways will be reconstructed where required. The maximum depth of excavation due to drainage structure installation is anticipated to be approximately 10 feet.

The following features and/or items were not detailed in the original RFI document signed on November 8, 2019. A 0.5 mile radius was drawn around the additional project area location. Anything substantive identified within the additional project area or the associated 0.5 mile radius that was not identified in the original RFI document is detailed below.

1. Hazardous Material Concerns—

Underground Storage Tank (UST) Sites: One (1) UST site was identified in the original RFI count and is now located within the additional project area.

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- KOBELCO COMPRESSORS Incorporated (former Arrow Tool Inc.), 3000 Hammond Ave, AI # 29730 is located within the project area. The site reportedly had two USTs at this location; these USTs were never properly closed. A UST Notification form dated November 7, 1988, indicated the tanks were 15-years old, permanently out of use, currently empty but once contained gasoline; the location of the USTs was not available. The USTs are not anticipated to be near the Warren Street and Hammond Avenue intersection based upon historic aerial photographs from this period. No impact is expected.

RCRA Generator: One (1) RCRA generator was identified via the IDEM VFC and is located at KOBELCO COMPRESSORS Incorporated. An IDEM Office of Land Quality (OLQ) letter dated July 11, 1995 identified the generator is a conditionally exempt small quantity generator. No impact is expected.

Nicole Fohey
Breting

Digitally signed by
Nicole Fohey-Breting
Date: 2021.07.27
19:07:03 -04'00'

INDOT ESD concurrence: _____ (Signature)

Prepared by:
Laura Jack
Environmental Scientist
Michael Baker International

Graphics:

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

SITE LOCATION: YES

INFRASTRUCTURE: N/A

WATER RESOURCES: N/A

MINING/MINERAL EXPLORATION: N/A

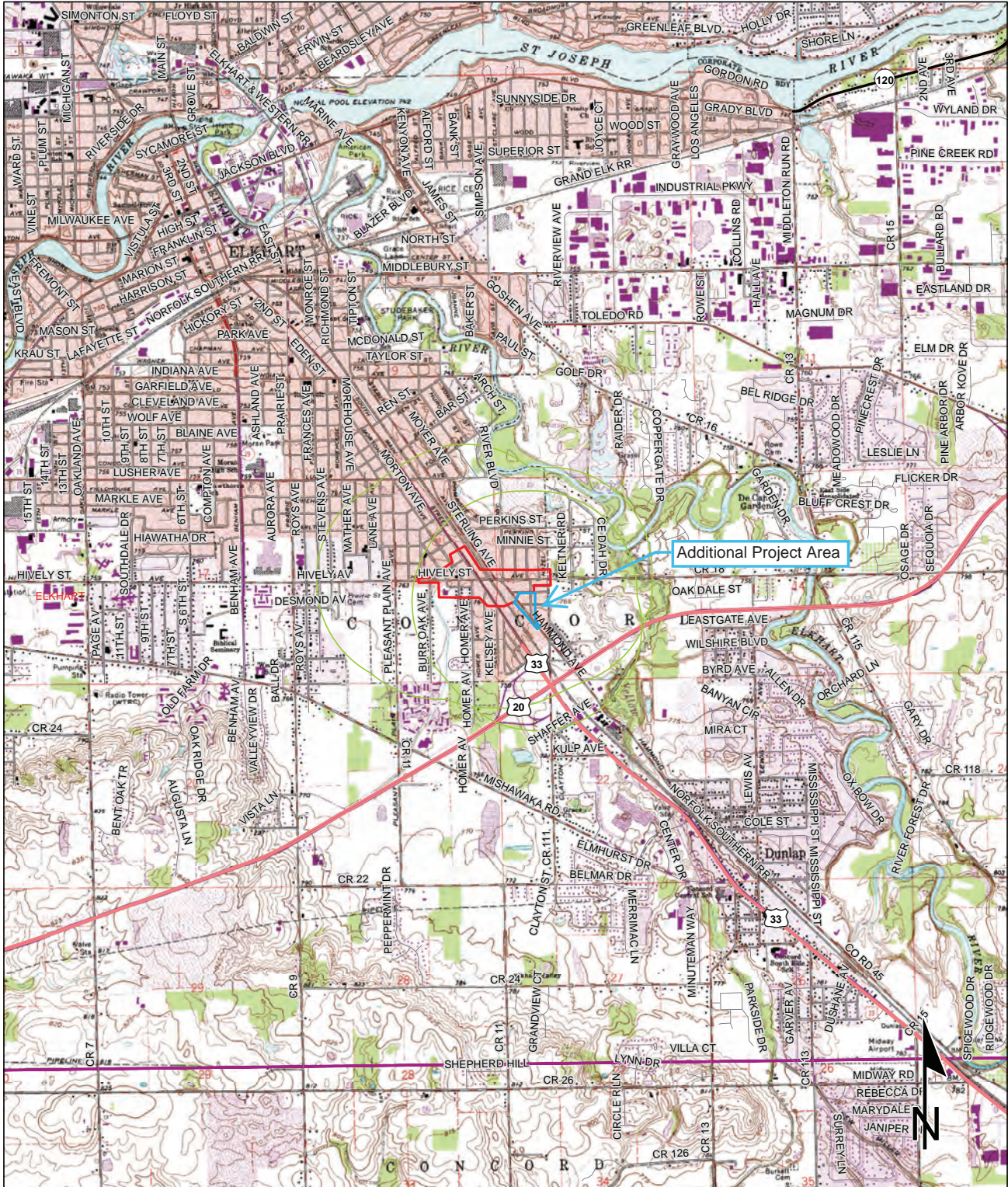
HAZARDOUS MATERIAL CONCERNS: YES

Red Flag Investigation Addendum - Site Location

E Hively Avenue and Norfolk Southern RR Crossing

Des. No .1801933, Grade Separation

Elkhart County, Indiana



Sources: 0.6 0.3 0 0.6 Miles
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83
 This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

ELKHART QUADRANGLE
INDIANA
7.5 MINUTE SERIES
(TOPOGRAPHIC)

Red Flag Investigation Addendum- Hazardous Material Concerns E Hively Avenue and Norfolk Southern RR Crossing Des. No .1801933, Grade Separation Elkhart County, Indiana



	Brownfield		RCRA Generator/TSD		Institutional Controls
	RCRA Corrective Action Sites		Restricted Waste Site		County Boundary
	Confined Feeding Operation Notice_of_Contamination		Septage Waste Site		Project Area
	Construction/Demolition Site		Solid Waste Landfill		Half Mile Radius
	Infectious/Medical Waste Site		State Cleanup Site		Toll
	Leaking Underground Storage Tank		Superfund		Interstate
	Manufactured Gas Plant		Tire Waste Site		State Route
	NPDES Facilities		Underground Storage Tank		US Route
	NPDES Pipe Locations		Voluntary Remediation Program		Local Road
	Open Dump Waste Site		Waste Transfer Station		

0.2 0.1 0 0.2
Miles

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

*Pages have been removed from Modified Phase I to condense information

Modified Phase I Environmental Site Assessment Hively Avenue Overpass Project

East Hively Avenue (SR 18) Over Main Street & Norfolk Southern Railroad

Elkhart County, Indiana



January 28, 2022

1.0 EXECUTIVE SUMMARY

Michael Baker International (Michael Baker) was contracted by The Indiana Department of Transportation (INDOT; Client) to conduct a Modified Phase I Environmental Site Assessment (Modified Phase I) for the proposed Hively Avenue Overpass Project, East Hively Avenue (SR 18) Over Main Street and Norfolk Southern Railroad in the City of Elkhart, Elkhart County Indiana.

- The Hively Avenue Overpass Project, Des 1801933, will eliminate the existing Norfolk Southern Railroad at-grade-crossing (41.659462°N and -85.946735°W) at Hively Avenue by creating a new overpass (grade separation bridge) which will carry a realigned East Hively Avenue over both the Norfolk Southern Railroad and South Main Street.
- The proposed project is part of a Local TRAX rail overpass program grant with INDOT and the City of Elkhart; Local TRAX is a partnership with INDOT, local communities, businesses, industry, and railroads to improve the quality of life for residents through large scale rail related transportation projects.
- The Project is located on the southeast side of the City of Elkhart and Elkhart County, Indiana and spans approximately 0.64 mile of East Hively Avenue from Sanders Avenue to Clayton Avenue and 0.24-mile of Warren Street to the intersection with Hammond Avenue, in the City of Elkhart, Elkhart County Indiana.
- The majority of Project components will be above existing ground surface; however, anticipated construction excavation and connections to existing infrastructure depths range from 0-2 feet to 0-10 feet below ground surface (ft. bgs) by type of removal/construction.

This Modified Phase I was performed in general accordance with the American Society for Testing and Materials (ASTM) E 1527-13, "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*" as modified by INDOT Site Assessment & Management (SAM) June 2020 "*Site Assessment & Management Manual*". Based on the findings and opinions generated by this Modified Phase I ESA report, Michael Baker has concluded following:

Low Risk - eight potential REC sites (surficial spills of petroleum lubricants, used oil, and parts washer solvents) are located adjacent to the Project Study Area; however, these sites are considered to have a Low Risk of impacting worker safety and/or handling and disposal of waste generated during construction.

No Impact - eleven potential REC sites are reported within 0.25-mile of the Project Study Area. Based upon their relative distance and lower elevation from Proposed Stage 1 Plan ROW as well as their proximity to the Elkhart River valley, potential contaminant migration from these RECs would be cross-gradient and/or downgradient; No Impact is expected.

The following 13 sites have parcels which cannot be avoided per Stage 1 plans with either current use RECs or historic use HRECs and pose a concern to impact worker safety and/or proper handling/disposal of waste (i.e., soil and/or water) generated as part of Project construction excavation activities.

Further evaluation is recommended for as part of a Phase II ESA investigation scope of work proposal (Phase II Plan). The Phase II Plan will be developed in concert with INDOT, the City of Elkhart, and latest Project construction plans for submittal to INDOT SAM for concurrence prior to sampling:

- # 21^a 7-Eleven (Mobil Gas Station), 2700 S Main Street, Al# 30269 is located within the proposed removal, East Hively Avenue overpass, and South Main Street intersection realignment construction excavation areas. The active gas station USTs, fuel islands, former USTs, and former garage are H/RECs for potential releases/residual waste petroleum, solvents, and lead.
- # 23^b Indiana Michigan Power and Norfolk Southern Railroad are located within/about the west side of proposed East Hively Avenue overpass construction limits. Parallel utilities, railroad tracks, rail operation cabinets, and observed stained soils are RECs for potential releases/residual waste petroleum, polychlorinated biphenyls (PCBs), and metals.
- # 25^b Vacant Pine De Rosa Furniture Manufacturing (former Public School No. 10 McCord Township), 2700 Hammond Avenue, Al #103957, is located within the proposed East Hively Avenue overpass construction excavation areas. Reported 1950's and 1970's-era lacquers, sealers, stains, spray booths/dip tank are HRECs for potential releases/residual waste petroleum, solvents, metals, and lead based paint (LBP).
- # 42^b El Rosal Market (former Palmer Hardware/filling station), 2693 South Main Street, Al #32323, is located within the proposed Main Street intersection construction excavation limits. and was the location of a 1950's and 1960's era former filling station and garage with two reported gas tanks are HRECs for potential releases/residual waste petroleum, solvents, and lead.

a - Sites identified in the “Red Flag Investigation State Project Des.#1801933, Railroad Grade Separation East Hively and Norfolk Southern Railroad Crossing, Elkhart County Indiana, signed November 8, 2019” or the “Red Flag Investigation Addendum, State Project Des.#1801933 Railroad Grade Separation East Hively and Norfolk Southern Railroad Crossing, Elkhart County Indiana, signed July 27, 2021”.

b - Sites identified from other sources and part of the “potential for hazardous material sites not included in the GIS mapping layers” Phase I ESA recommendation in the Red Flag Investigation State Project Des.#1801933, Railroad Grade Separation East Hively and Norfolk Southern Railroad Crossing, Elkhart County Indiana, signed November 8, 2019.

- # 43^b Car Wash Station (former Northern Pride Carwash/Strom Brass Foundry), 2680 South Main Street, AI #36002, is located within the proposed construction limits. A reported 1950's and 1960's era former foundry, oven, pattern, sawtooth, and riffel buildings are HRECs (facilities of this era commonly had creosote wood block flooring) for potential releases/residual waste petroleum, tar/creosote, coal/coke, and metals.
- #44^b Midas (former Strom Brass Foundry), 2692 South Main Street, AI #105257, is located within the proposed construction limits. A reported 1950's and 1960's era former foundry, oven, pattern, sawtooth, and riffel buildings are HRECs for potential releases/residual waste petroleum, tar/creosote, coal/coke, and metals.
- #51^b New commercial building (former coal & salvage yards), 2729 Hammond Avenue, is located within the proposed construction limits. A reported 1950's and 1960's era coal yard and 1970s and 1980s era salvage yard are HRECs for potential releases/residual waste petroleum, solvents, tar/creosote, coal/coke, and metals.
- # 52^b Marcos Auto Sales (former Weist and Wade's Service) 2644 Sterling Avenue, AI #31162, is located within the proposed construction limits. A 2006 No Further Action (NFA) – Unconditional Closure was reported for IDEM Incident #199209008; however, no available records of a reported 1940s and 1950s era former filling station with three gas tanks records are HRECs for potential releases/residual waste petroleum, solvents, and lead.
- #56^b Residential lots (former auto repair/salvage), 2625 Lowell Avenue is located within the proposed construction limits. A reported 2000s and 2021s-era auto repair/salvage yard are HRECs for potential releases/residual waste petroleum, solvents, and lead.
- #63^b Equolloquis Kustom Wheels (former Superior Foundry), 2676 South Main Street, is located within the proposed construction limits. A reported 1950s era Superior Foundry aluminum foundry, pots, sand, and garage buildings and 1960s era salvage yard are HRECs for potential releases/residual waste petroleum, solvents, tar/creosote, coal/coke, and metals.
- #64^b Elkhart Speedwash (former dry cleaner), 2701 S. Main Street, AI #38269, is located within the proposed construction limits. Reported commercial use prior to the 1950s and as a laundry/dry cleaner from 1980s to 2000s are HRECs for potential releases/residual waste solvents.
- #65^b Advance Auto Parts (former Superior/Rouston Foundries identified in the RFI), 2676 South Main Street, AIs #30114 and #103967, is located within the proposed construction limits. A reported 1950s era Superior Foundry brass foundry, pots, sand, and garage buildings and 1960s era salvage yard are HRECs for potential releases/residual waste petroleum, solvents, tar/creosote, coal/coke, and metals.

#66^b Norfolk Southern Railroad are located within/about the east side of proposed East Hively Avenue overpass construction limits. Current and reported historic rail operations are H/RECs potential releases/residual waste petroleum, polychlorinated biphenyls (PCBs), and metals.

Appendix F:

Water Resources



Indiana Floodplain Information Portal Report

Point of Interest

Approximate Address:

2700 South MAIN ST
ELKHART, IN 46517

Effective Flood Zone:

X

Preliminary Flood Zone:

N/A

Best Available Flood Zone:

X

Approximate Flood Elevation:

743.2ft NAVD88



Source:

Zone AE Profile Delineation












Nearest Stream:

Elkhart River

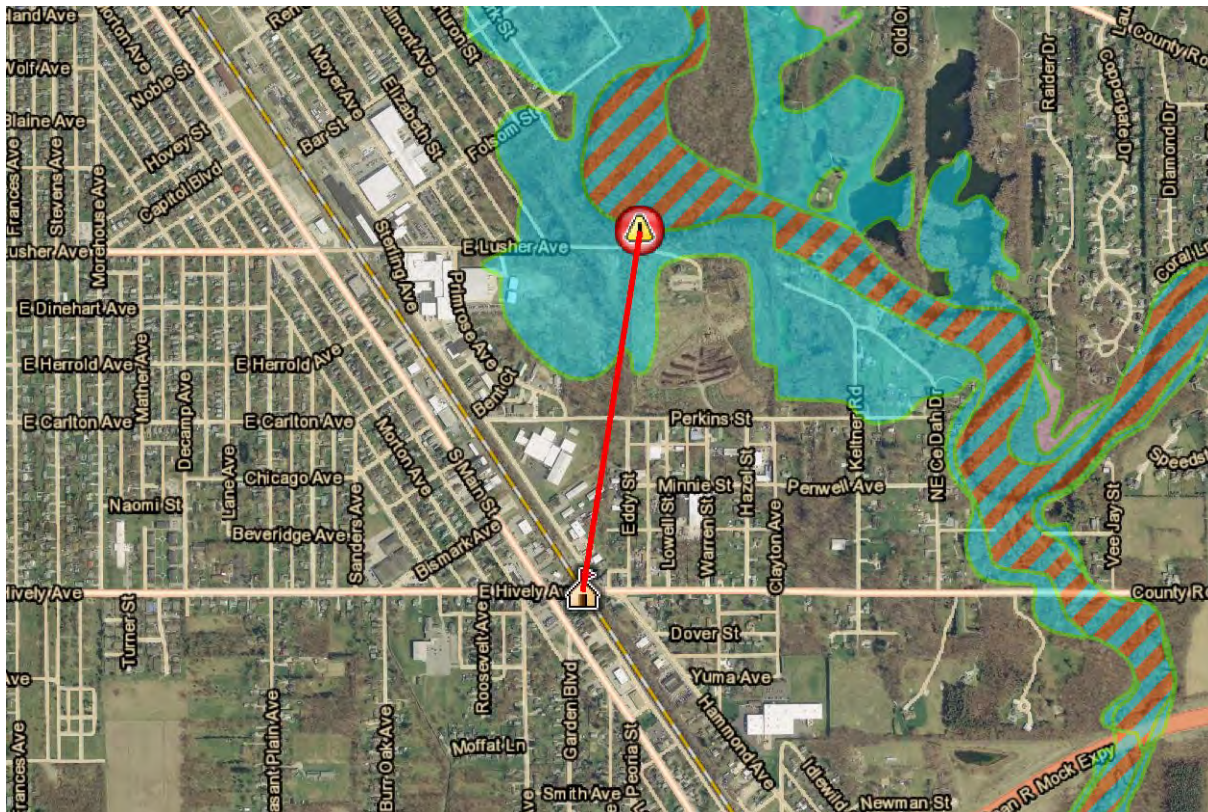
Map Legend

-  Point of Interest
-  Nearest Point on Stream

Best Available Flood Zone

-  FEMA Zone AE Floodway
-  DNR Detailed Floodway
-  DNR Approximate Floodway
-  FEMA Zone A
-  FEMA Zone AE
-  DNR Detailed Fringe
-  DNR Approximate Fringe
-  Additional Floodplain Area
-  FEMA Protected by Levee
-  FEMA Floodplain - Ponding (Depth)
-  FEMA Floodplain - Sheet Flow (Depth)

Site Map with Best Available Flood Zone



Approximate scale 1:24,000

Disclaimer

Generated on Wednesday October 27th 2021 at 04:40:40pm Des. No. 1801933

The data shown on this map represents FEMA floodplain data enhanced with additional studies that have been reviewed and approved by the Division of Water. While this data has not yet been submitted to FEMA for inclusion in the Flood Insurance Rate