



State Revolving Fund Loan Programs

Drinking Water, Clean Water, Nonpoint Source

ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

TOWN OF KENTLAND WATER UTILITY IMPROVEMENTS AMENDMENT NO. 1 SRF PROJECT DW 22 21 56 01

DATE: April 19, 2024

TARGET PROJECT APPROVAL DATE: May 20, 2024

I. INTRODUCTION

The above entity has applied to the Drinking Water State Revolving Fund (SRF) Loan Program for a loan to finance all or part of the Drinking Water project described in the accompanying Environmental Assessment (EA). As part of facilities planning requirements, an environmental review has been completed which addresses the project's impacts on the natural and human environment. This review is summarized in the attached EA, which can also be viewed in color at <http://www.in.gov/ifa/srf/>.

II. PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FNSI)

The SRF Wastewater Program has evaluated all pertinent environmental information regarding the proposed project and determined that an Environmental Impact Statement is not necessary. Subject to responses received during the 30-day public comment period, and pursuant to Indiana Code 5-1.2-3, it is our preliminary finding that the construction and operation of the proposed facilities will result in no significant adverse environmental impact. In the absence of significant comments, the attached EA shall serve as the final environmental document.

III. COMMENTS

All interested parties may comment upon the EA/FNSI. Comments must be received at the address below by the target approval date above. Significant comments may prompt a reevaluation of the preliminary FNSI; if appropriate, a new FNSI will be issued for another 30-day public comment period. A final decision to proceed, or not to proceed, with the proposed project shall be effected by finalizing, or not finalizing, the FNSI as appropriate. Comments regarding this document should be sent within 30 days to:

April Douglas
Environmental Review Coordinator
State Revolving Fund
100 N. Senate Ave. IGCN 1275
Indianapolis, IN 46204
317-234-7294
adouglas@ifa.in.gov

ENVIRONMENTAL ASSESSMENT

I. PROJECT IDENTIFICATION

Project Name and Address: Water Utility Improvements – Amendment No. 1
Town of Kentland
300 North 3rd Street
Kentland, IN 47951

SRF Project Number: **DW 22 21 56 01**

Authorized Representative: Debby Shufflebarger, Board President

II. PROJECT LOCATION

Located in Newton County, Jefferson township, Kentland USGS Quadrangle, township 27 N, range 9 W and section 22. See **Figure 1**.

III. PROJECT NEED AND PURPOSE

The Town of Kentland currently provides chemical addition at individual wells for disinfection. The Town has received numerous complaints about taste and odor of its tap water due to the lack of water treatment. Testing indicates the presence of iron and manganese in the raw well water. In addition, the Town's existing wells need rehabilitation based on age and condition, and Well No. 2 should be properly abandoned to prevent contamination from entering the Town's potable water system. The purpose of the project is to ensure the Town continues to have adequate raw water supply and that the drinking water receives appropriate treatment to meet secondary standards, including removal of iron and manganese.

IV. PROJECT DESCRIPTION

The Water Utility Improvements Project includes:

- Rehabilitation of Well Nos. 1, 3, and 4, including well cleaning, pump rehabilitation, installation of VFDs, and new magnetic flow meters.
- Abandonment of Well No. 2, in accordance with IDEM requirements and well house building modifications.
- Construction of a new Water Treatment Plant (WTP) at the southeast corner of the intersection of First Street and CR West 1500 South within Cast Park, including aeration, detention, and filtration to remove iron and manganese, disinfection, high service pumps, backwash tanks and pumps, SCADA, emergency back-up power, and site work.
- Installation of approximately 1,000 linear feet of raw water main from the existing wells to the new WTP, primarily along North First Street, and a small part along Maple Street.
- Professional services associated with the development of the Town's Lead Service Line Inventory. Inventory-related work will meet IDEM minimum standards.

V. ESTIMATED PROJECT COSTS, AFFORDABILITY AND FUNDING

Total cost of this project is estimated to be approximately \$5,700,000. Kentland will finance the project with a grant from the Office of Community and Rural Affairs for \$700,000 along with a loan from the Drinking Water SRF Loan Program for a term and annual fixed interest rate to be determined at loan closing. Monthly user rates and charges may need to be analyzed to determine if adjustments are required for loan repayment.

VI. DESCRIPTION OF EVALUATED ALTERNATIVES

This environmental analysis addresses only the current project scope. Additional alternatives evaluated for future phases address Distribution and Service Line and are excluded from this document.

A. Water Treatment Facilities

- a. Alternative 1: This alternative will take **No Action**. The Town will continue to operate the existing well system with high operation and maintenance requirements and failure of the treatment equipment will likely occur in the near future due to age of the equipment. This alternative will have no environmental impacts but may result in limited raw and treated water availability. The “**No Action**” alternative is neither practical nor economical.
- b. Alternative 2: This alternative proposes to **Rehabilitate the Existing Water Treatment Facilities**. Under this alternative the Town will rehabilitate the active water treatment system, including improvements to meet National Institution of Occupational Safety and Health (NIOSH) requirements, electrical and control upgrades, and well rehabilitation. The alternative has the possibility of significant health, safety, and regulatory implications during implementation due to chlorine scrubbers. This alternative will have no environmental impacts, but will not reliably treat the raw water to secondary standards by removal of iron and manganese. Therefore the “**Rehabilitate the Existing Water Treatment Facilities**” alternative is not practical.
- c. Alternative 3: This alternative will **Rehabilitate the Existing Water Treatment Facilities and Centralize the Gas Disinfection System**. This alternative is similar to Alternative No. 2, but includes a centralized disinfection system in lieu of chemical application at the individual well sites. The centralized system would be constructed adjacent to Well Nos. 1 and 3 and requires installation of new raw water main. This alternative will have minimal environmental impacts associated with construction of the New Chemical Feed Building and raw water mains in previously disturbed areas, and will not reliably treat the raw water to secondary standards by removal of iron and manganese. Therefore the “**Rehabilitate the Existing Water Treatment Facilities and Centralize the Gas Disinfection System**” alternative is not practical.
- d. Alternative 4: The “**Rehabilitate Existing Water Treatment Facilities and Centralize Liquid Disinfection System**” alternative is similar to Alternative No. 3 but implements liquid sodium hypochlorite disinfection instead of the continued use of chlorine gas at a centralized site. This alternative will have minimal environmental impacts associated with construction of the New Chemical Feed Building and raw water mains in previously disturbed areas, and will not reliably treat the raw water to secondary standards by removal of iron and manganese. Therefore the “**Rehabilitate Existing Water Treatment Facilities and Centralize Liquid Disinfection System**” alternative is not practical.
- e. Alternative 5 (*Current Selected Alternative*): The “**Replace the Water Treatment Plant and Rehabilitate Current Treatment Utilities**” alternative includes well rehabilitation and electrical and control improvements along with construction of an aeration-filtration

treatment plant located on the east side of Cast Park, next to First Street. Implementation of an aeration-filtration treatment plant will address water discoloration, taste, and odor issues by removing minerals and contaminants, meeting the purpose and need of the project. This alternative will require re-rating of the system from a Class WT-2 to a Class WT-3 facility. The proposed treatment plant location will fit well with the existing infrastructure and location, requiring minimal disruption to current operations and pressures within the system. The “**Replace the Water Treatment Plant and Rehabilitate Current Treatment Utilities**” alternative sites the proposed facility in the 100-year floodplain and within the limits of Cast Park, impacting floodplain and recreational resources. The Town is aware of the hazards of locating structures in areas subject to the base flood. Impacts will be mitigated as described below. This alternative was selected as the low-cost practical alternative.

- f. Alternative 6 (*Previous Selected Alternative*): The “**Water Treatment Plant at Fire Station and Rehab Current Treatment Utilities**” alternative includes well rehabilitation and electrical and control improvements along with construction of an aeration-filtration treatment plant located at the old fire house on Fourth Street. This alternative requires additional raw water main, in comparison to Alternative No. 5. Additionally, after structural investigation, the existing structures at the old fire house were determined to be unsuitable for retrofit due to age and condition, requiring additional cost associated with demolition and construction of a new facility. This alternative was previously environmentally vetted and determined to have no negative impacts to protected resources. After additional evaluation, this alternative was determined not practical or economical due to cost impacts from necessary new raw water mains and demolition. Additionally, feasibility concerns were raised with this alternative based on location of the facility and disruption of water flow patterns, potential chemical spills in a residential area, and possible toxic chemicals in the soil from the site’s previous use as a fire station.

B. Regionalization

The “**Regionalization**” alternative is not selected due to the lack of nearby communities with water supply systems within a feasible distance, making it a cost-ineffective option for the Town of Kentland.

VII. ENVIRONMENTAL IMPACTS OF THE FEASIBLE ALTERNATIVES

A. Direct Impacts of Construction and Operation

Disturbed/Undisturbed Land: Work related to the installation of water mains, well rehabilitation and abandonment, and a new water treatment plant will occur in disturbed rights-of-way, adjacent to and within roadways, alleys, and existing utility trenches. All areas have been previously disturbed by previous construction activity or have been subject to an archaeological survey.

Structural Resources (Figure 2): Construction and operation of the project will not alter, demolish, or remove historic properties. If any visual or audible impacts to historic properties occur, they will be temporary and will not alter the characteristics that qualify such properties for inclusion in or eligibility for the National Register of Historic Places. The SRF’s finding pursuant to Section 106 of the National Historic Preservation Act is: “*no historic properties affected.*”

Surface Waters (Figure 3): The project will not adversely affect outstanding state resource waters listed in 327 IAC 2-1.3-3(d), exceptional use streams listed in 327 IAC 2-1-11(b), Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-(2), or Salmonid Streams listed in (327 IAC 2-1.5-5(a)(3) or streams on the Outstanding River List for Indiana.

Wetlands (Figure 4): Wetlands will not be impacted by this project.

Floodplain (Figures 5 & 6): The new water treatment plant will be built in the floodplain. A location outside of the floodplain (Alternative No. 6) was evaluated and determined to not be practical or economical, as described above. In accordance with Executive Order 13690, the proposed treatment building will be set 3 feet above the 100-year base flood elevation, or to the 500-year flood evaluation if it is known for this site, to mitigate flooding impact to critical facilities. The project will not include dredge or fill in the floodway without a permit from IDNR Division of Water.

Groundwater: The project will not impact a drinking water supply or sole source aquifer.

Plants and Animals: The proposed project items will be implemented to minimize impact to non-endangered species and their habitat. Mitigation measures cited in comment letters from the Department of Natural Resources and the U.S. Fish and Wildlife Service will be implemented.

Prime Farmland: The project will not convert prime farmland.

Air Quality: Construction activities may generate some noise, fumes and dust, but should not significantly affect air quality.

Open Space and Recreational Opportunities: The project will be constructed in a local park, which will temporarily affect open space and recreational opportunities. Temporary closure of the western-most walking trail within the park will occur during construction. 285 linear feet of existing asphalt trail will be demolished to accommodate the new water treatment plant. The park trail will be relocated and reconstructed as part of the selected alternative to mitigate the project's permanent impacts on recreational opportunities.

Lake Michigan Coastal Program: The project will not affect the Lake Michigan Coastal Zone.

National Natural Landmarks: Construction and operation of the proposed project will not affect National Natural Landmarks.

B. Indirect Impacts

The town's Preliminary Engineering Report (PER) states: *The Town of Kentland, through the authority of its council, planning commission or other means, will ensure that future development, as well as future drinking water infrastructure projects connecting to SRF-funded facilities will not adversely affect wetlands, wooded areas, steep slopes, archaeological/historical/ structural resources or other sensitive environmental projects to be constructed within the guidelines of the U.S. Fish and Wildlife Service, IDNR, IDEM, and other environmental review authorities.*

C. Comments from Environmental Review Authorities

In correspondence dated July 23, 2021, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on June 29, 2021, for the above indicated project in Kentland, Newton County, Indiana.

In regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

*House at 108 E Lincoln St., Site # 111-312-47025
House at 202 E Lincoln St., Site # 111-312-47026
House at 508 N Third St., Site # 111-312-47032
House at 106 E Washington St., Site # 111-312-47035
House at 204 E Washington St., Site # 111-312-47037
House at 308 E Washington St., Site # 111-312-47041
Dr. Matthews House at 408 N Third St., Site # 111-312-47046
House at 209 E Washington St., Site # 111-312-47047
House at 108 E Carroll St., Site # 111-312-47050
House at 402 N Fourth St., Site # 111-312-47056
House at 310 E Dunlap St., Site # 111-312-47059
House at 103 E Dunlap St., Site # 111-312-47064
House at 108 E Graham St., Site # 111-312-47070
House at 105 Allen St., Site # 111-312-47076
House at 307 S Third St., Site # 111-312-47079
House at 315 Ray St., Site # 111-312-47001
House at 114 E Iroquois St., Site # 111-312-47011
House at 202 E Iroquois St., Site # 111-312-47012
House at 206 E Iroquois St., Site # 111-312-47014
House at 312 E Iroquois St., Site # 111-312-47018
House at 308 E Lincoln St., Site # 111-312-47029
House at 506 N Third St., Site # 111-312-47031
House at 408 N First St., Site # 111-312-47034
Governor McCray House at 501 N Third St., Site # 111-312-47040
House at 201 E Carroll St., Site # 111-312-47052
House at 304 E Carroll St., Site # 111-312-47055
House at 406 E Dunlap St., Site # 111-312-47057*

Additionally, we have identified the following properties within the probable area of potential effects, and we believe that they meet the criteria of eligibility for inclusion in the National Register of Historic Places due to their historical and architectural significance:

St. Joseph Catholic Church, Rectory, Convent, and School at 407, 409, 501, and 503 E. Allen Street (Site # 111-312-47082-085) are eligible as a small district.

Kentland Downtown Courthouse Historic District, Site # 111-312-46044 represents the commercial and civic center of Kentland. The downtown is largely intact and represents a period of historical building from 1877 - c.1930. The district includes the "Outstanding" rated Newton County Courthouse (National Register listed) and excellent examples of high style architecture (Romanesque Revival, Neoclassical, Craftsman). The downtown district also retains excellent examples of vernacular commercial and residential architecture from this time period (2-part commercial block, American Foursquare).

Furthermore, we have identified the following properties listed in the National Register of Historic Places within the probable area of potential effects:

Newton County Courthouse (NR-1937), listed August 1, 2008

However, based on the information provided to our office, we do not believe the characteristics that qualify the above identified historic properties for inclusion in the National Register will be diminished as a result of this project.

In terms of archaeology, please clarify if there are proposed ground disturbing project activities which will take place in areas which have not been previously disturbed. Please note that agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose. If there are areas of proposed project ground disturbance which have not been previously disturbed, please note those on a map and provide to our office.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

In correspondence dated September 2, 2021, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials dated and received on August 5, 2021, for the above indicated project in Kentland, Newton County, Indiana.

Thank you for addressing our previous comments regarding past disturbance in the proposed project area. In terms of archaeology, no currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

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 must be reported to the Department of Natural Resources 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. 800.

As previously stated in our letter dated July 23, 2021, in regard to buildings and structures, we have identified the following properties within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

*House at 108 E Lincoln St., Site # 111-312-47025
House at 202 E Lincoln St., Site # 111-312-47026
House at 508 N Third St., Site # 111-312-47032
House at 106 E Washington St., Site # 111-312-47035
House at 204 E Washington St., Site # 111-312-47037
House at 308 E Washington St., Site # 111-312-47041
Dr. Matthews House at 408 N Third St., Site # 111-312-47046
House at 209 E Washington St., Site # 111-312-47047
House at 108 E Carroll St., Site # 111-312-47050
House at 402 N Fourth St., Site # 111-312-47056
House at 310 E Dunlap St., Site # 111-312-47059
House at 103 E Dunlap St., Site # 111-312-47064*

House at 108 E Graham St., Site # 111-312-47070
House at 105 Allen St., Site # 111-312-47076
House at 307 S Third St., Site # 111-312-47079
House at 315 Ray St., Site # 111-312-47001
House at 114 E Iroquois St., Site # 111-312-47011
House at 202 E Iroquois St., Site # 111-312-47012
House at 206 E Iroquois St., Site # 111-312-47014
House at 312 E Iroquois St., Site # 111-312-47018
House at 308 E Lincoln St., Site # 111-312-47029
House at 506 N Third St., Site # 111-312-47031
House at 408 N First St., Site # 111-312-47034
Governor McCray House at 501 N Third St., Site # 111-312-47040
House at 201 E Carroll St., Site # 111-312-47052
House at 304 E Carroll St., Site # 111-312-47055
House at 406 E Dunlap St., Site # 111-312-47057

Additionally, we have identified the following properties within the probable area of potential effects, and we believe that they meet the criteria of eligibility for inclusion in the National Register of Historic Places due to their historical and architectural significance:

St. Joseph Catholic Church, Rectory, Convent, and School at 407, 409, 501, and 503 E. Allen Street (Site # 111-312-47082-085) are eligible as a small district.

Kentland Downtown Courthouse Historic District, Site # 111-312-46044 represents the commercial and civic center of Kentland. The downtown is largely intact and represents a period of historical building from 1877 - c.1930. The district includes the “Outstanding” rated Newton County Courthouse (National Register listed) and excellent examples of high style architecture (Romanesque Revival, Neoclassical, Craftsman). The downtown district also retains excellent examples of vernacular commercial and residential architecture from this time period (2-part commercial block, American Foursquare).

Furthermore, we have identified the following properties listed in the National Register of Historic Places within the probable area of potential effects:

Newton County Courthouse (NR-1937), listed August 1, 2008
However, based on the information provided to our office, we do not believe the characteristics that qualify the above identified historic properties for inclusion in the National Register will be diminished as a result of this project.

At this time, it would be appropriate for the USDA, Rural Development to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the USDA, Rural Development believes that a finding of “no adverse effect” accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.5[b-c] and 800.2[d][2]).*
- 2) If, on the other hand, the USDA, Rural Development believes that a finding of “adverse effect” accurately reflects its assessment, then it shall provide notification to the Advisory Council on Historic Preservation by providing the documentation in 36*

C.F.R. § 800.11(e) as stated in 36 C.F.R. § 800.6(a)(1). Additionally, the USDA, Rural Development may proceed to provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, all consulting parties, and make the documentation available for public inspection and proceed to seek ways to avoid, reduce and mitigate effects as stated in 36 C.F.R. § 800.6 (a)(2-5).

In correspondence dated September 15, 2021, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials dated and received on September 2, 2021, for the above indicated project in Kentland, Newton County, Indiana.

We concur with USDA, Rural Development’s September 2, 2021, finding that there are no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects that will be adversely affected by the above indicated project.

This identification is subject to the following condition:

- *The project activities remain within areas disturbed by previous construction.*

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 must be reported to the Department of Natural Resources 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. 800.

In correspondence dated November 21, 2023 informing them of the change in location, the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer (“Indiana SHPO”) has conducted an analysis of the materials received on October 26, 2023, for the above indicated project in Kentland, Newton County, Indiana.

We understand that the project has been revised since our last correspondence, dated September 15, 2021.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within previously disturbed areas.

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 must be reported to the Department of Natural Resources 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. 800.

In correspondence dated January 18, 2024 the Indiana Department of Natural Resources Division of Historic Preservation and Archaeology stated:

Pursuant to Indiana Code 5-1.2-10, Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer (“Indiana SHPO”) is conducting an analysis of the materials dated and received by the Indiana SHPO on December 20, 2023, for the above indicated project in Kentland, Newton County, Indiana.

Thank you for clarifying the project will now receive SRF funds from the Indiana Finance Authority instead of USDA, Rural Development funding.

Based on our analysis of the information previously submitted by Commonwealth Engineers on October 26, 2023, it has been determined that no historic properties will be altered, demolished, or removed by the proposed project.

In terms of archaeology, no currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within previously disturbed areas.

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 must be reported to the Department of Natural Resources 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. 800.

In correspondence dated July 1, 2021, the United States Fish and Wildlife Service stated:

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

The proposed project will have no effect on wetlands or other significant habitat types; no habitat is available for any of the Federal endangered or threatened species known from Newton County. Project impacts are expected to be minor in nature. Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised list be published, it will be necessary for the Federal agency to reinitiate consultation.

In correspondence dated November 20, 2023, the United States Fish and Wildlife Service stated:

We note that you determined No Effect for the endangered/threatened/proposed species listed in the IPaC letter. That is the correct determination and all you need to do is make a record of it, just like you did. A No Effect determination does not require concurrence by the USFWS -- it is only necessary to contact us for concurrence if you make a determination of May Affect-Not Likely to Adversely Affect. Of course, you would also need to contact us if the determination is Likely to Adversely Affect, which would lead to formal consultation and a Biological Opinion, which luckily only happens with really significant projects.

If you aren't sure about a project's affects, go ahead and contact us anyway, since we are happy to answer your questions.

In correspondence dated July 29, 2021, the Department of Natural Resources Environmental Unit stated:

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.

Natural Heritage Database: The Natural Heritage Program's data have been checked. A mesic prairie natural community and the insect species below have been documented within 1/2 mile of the project area. The Division of Nature Preserves does not anticipate any impacts to the community or insects as a result of this project.

- 1. Leadplant Underwing (Catocala amestris); state endangered*
- 2. Gemmed Cordgrass Borer (Peoria gemmatella); state endangered*
- 3. The Four-lined Cordgrass Borer (Resapamea stipata); state endangered*
- 4. A Noctuid Moth (Dichagyris acclivis); state threatened*
- 5. Giant Silphium Eucosma (Eucosma giganteana); state threatened*
- 6. Unarmed Wainscot (Leucania inermis); state threatened*
- 7. Beer's Blazing Star Borer Moth (Papaipema beeriana); state threatened*
- 8. Yellow-striped Angle (Digrammia mellistrigata); state rare*
- 9. Slant-lined Owlet (Macrochilo absorptalis); state rare*

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 native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. Turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas 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.

In correspondence dated November 20, 2023, the Department of Natural Resources Environmental Unit stated:

From my review of your letter, it looks as though the only change to the project is the location of the new water treatment plant. If this is the only change to the project scope, because the new location is still within the original project boundaries, our comments will not change. If there are any other changes, please let me know and we would be happy to review them.

In correspondence dated July 15, 2021, the Natural Resources Conservation Service stated:

The proposed project to make water utility improvements in the Town of Kentland, Newton County, Indiana, as stated in your letter received June 29, 2021, will not cause a conversion of prime farmland.

VIII. MITIGATION MEASURES

Kentland's PER states:

The majority of the environmental impacts will occur during construction of the proposed improvements. These issues are classified as temporary, since no significant, permanent impacts to environmental, historical, or other regulated resources are involved. These temporary construction impacts include the potential for noise, dust, and construction site erosion. Provisions will be included in the construction specifications to limit such problems and to provide erosion control in accordance with current state standards. The work is expected to be completed during normal working hours, restricting any work-related nuisances to those hours. All construction equipment will be required to have mufflers to reduce noise pollution. Additionally, reasonable, and proper construction techniques and clean up practices will be required by the contractor to reduce dust emissions. Proper surface wetting practices will be required.

In accordance with Executive Order 13690, the proposed treatment building will be set 3 feet above the 100-year base flood elevation, or to the 500-year flood evaluation if it is known for this site, to mitigate flooding impact to critical facilities.

The park trail will be relocated and reconstructed as part of the selected alternative to mitigate the project's permanent impacts on recreational opportunities.

IX. PUBLIC PARTICIPATION

A public notice was published on May 25, 2023 in the Kankakee Valley Publishing which discussed the the PER Amendment. No written comments were received during the 5-day comment period following the notice.

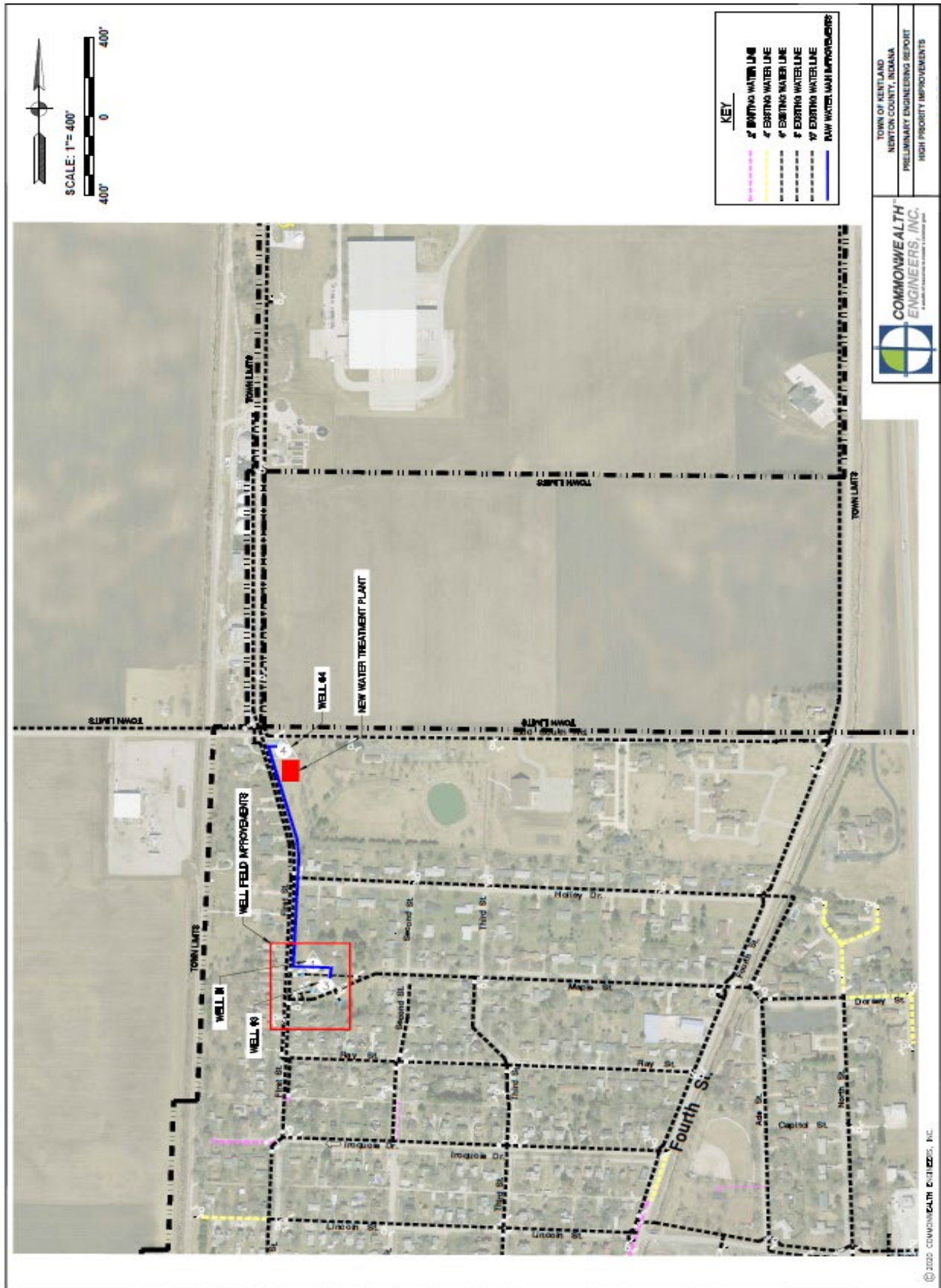


Figure 1

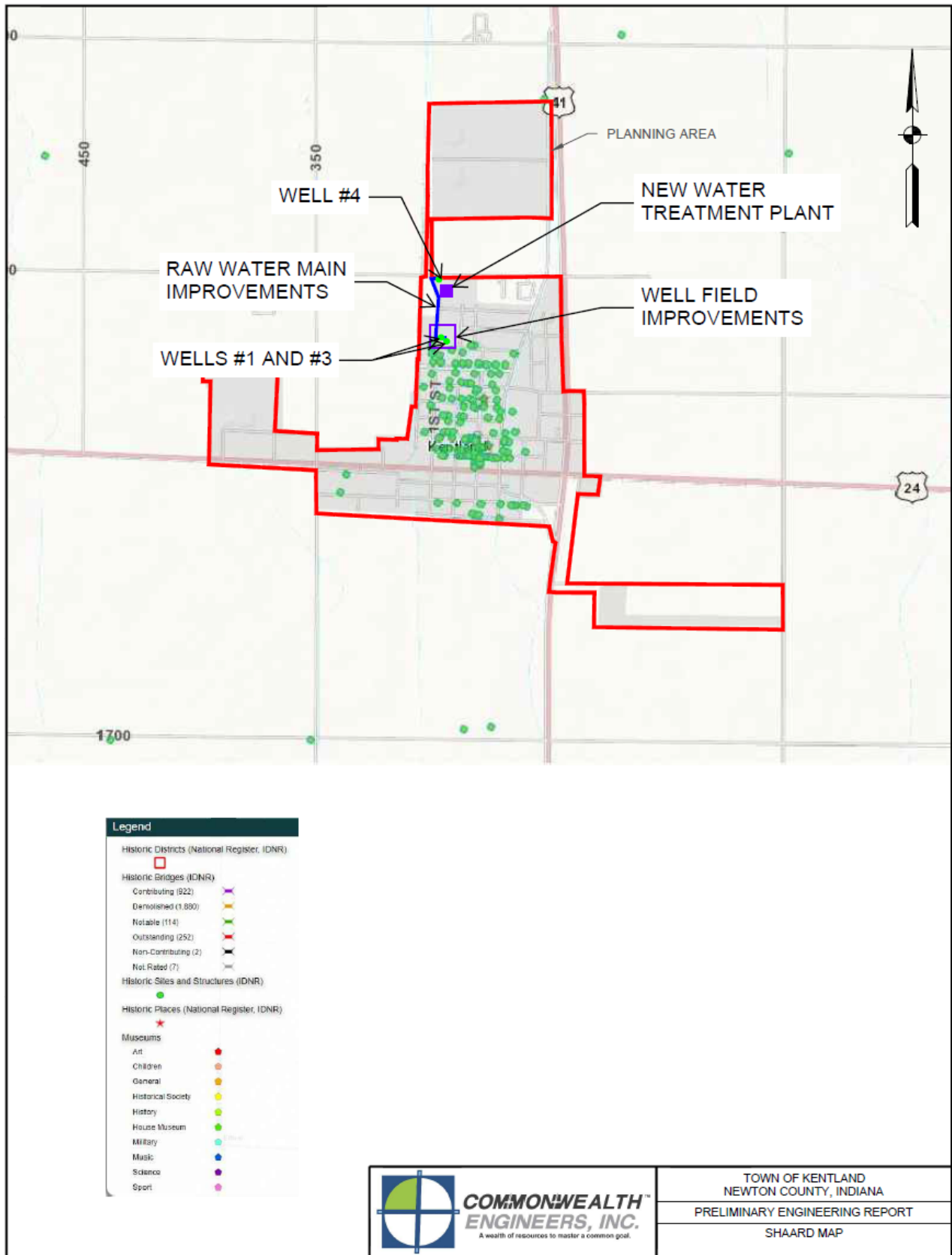


Figure 2

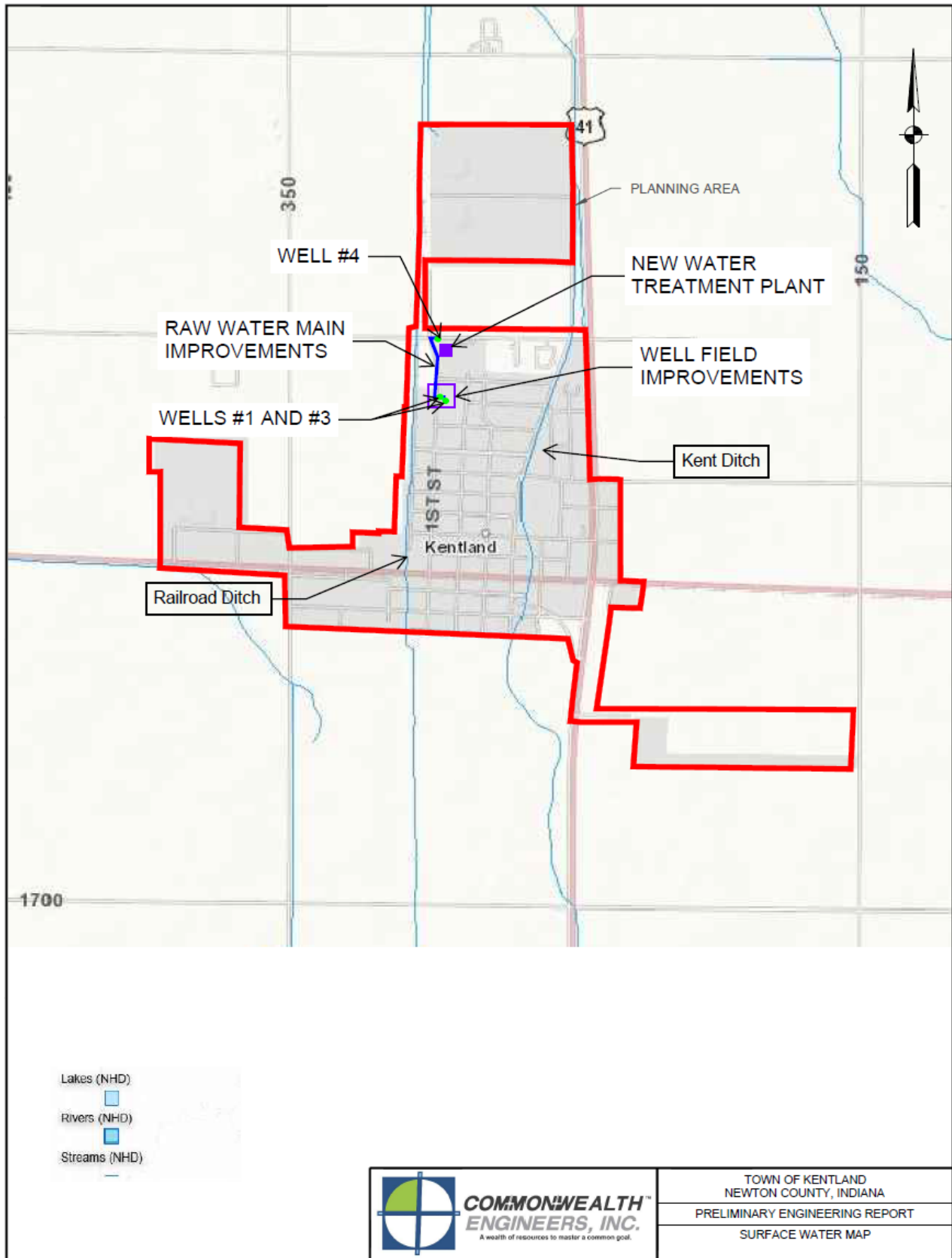


Figure 3

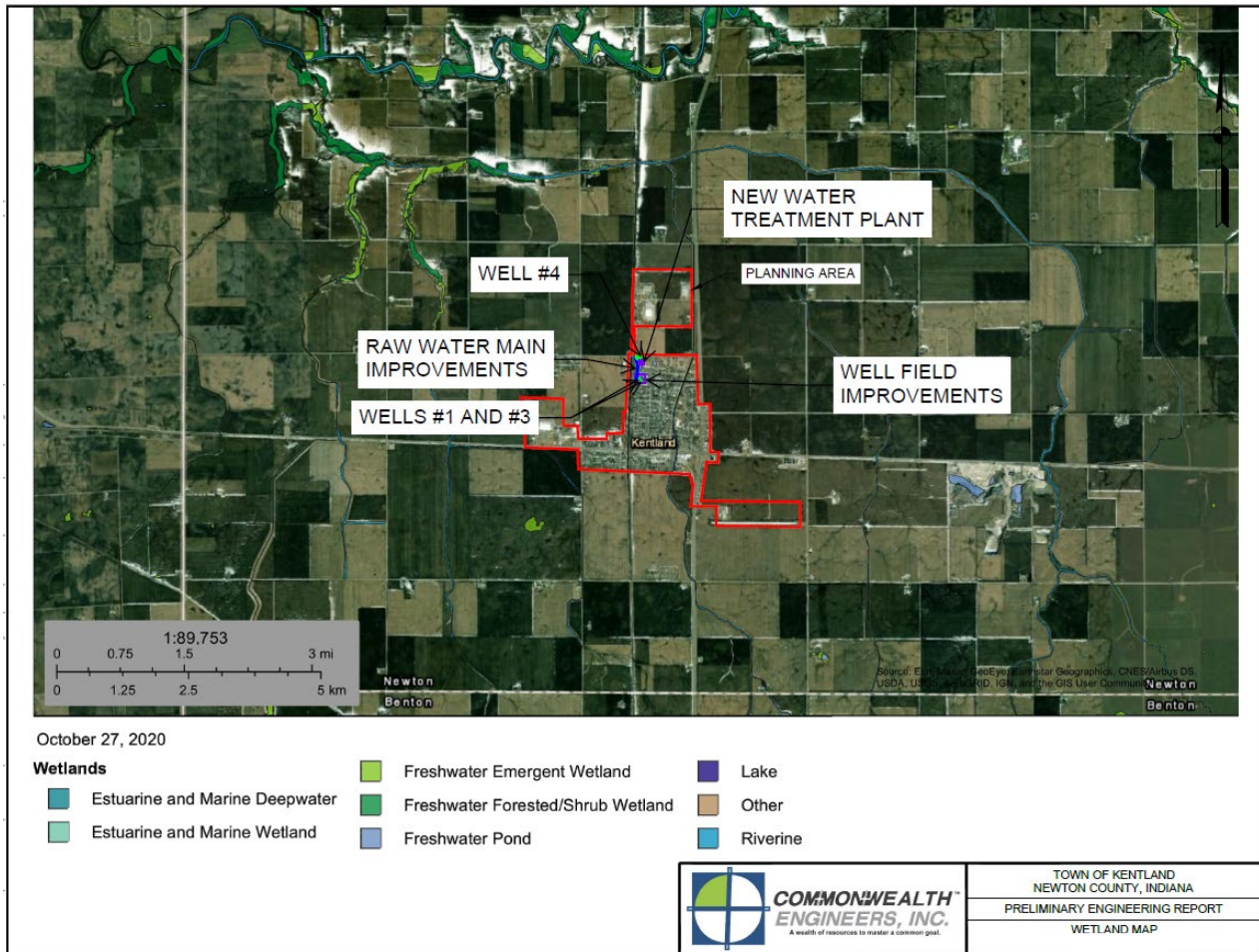


Figure 4

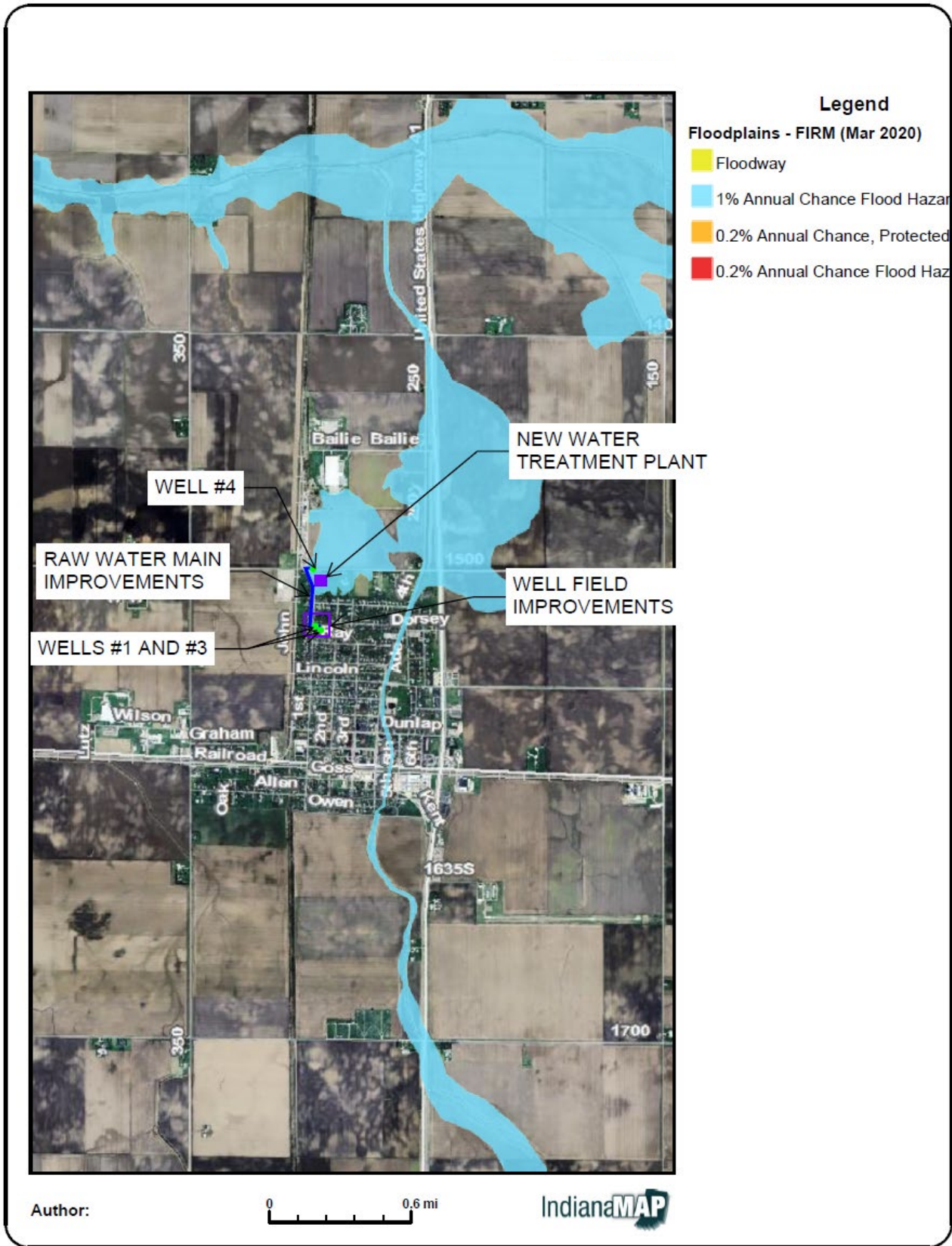


Figure 5

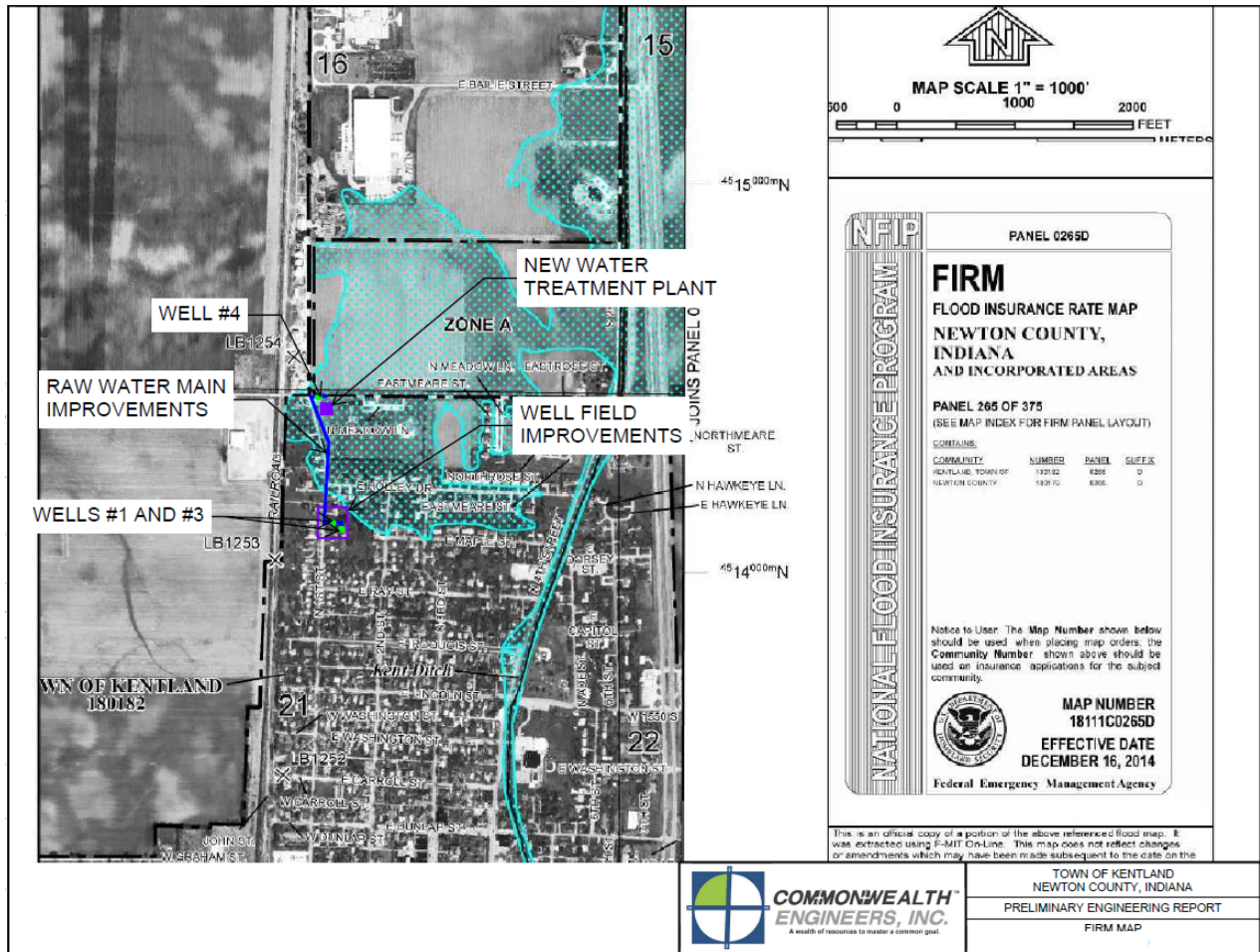


Figure 6