

**Indiana Department of Transportation**

County Porter Route SR 2 & Heavilin Des. No. 1600913

Farmland	Presence	Impacts	
		Yes	No
Agricultural Lands	x	x	
Prime Farmland (per NRCS)	x		x

Total Points (from Section VII of CPA-106/AD-1006\* 109  
 \*If 160 or greater, see CE Manual for guidance.

See CE Manual for guidance to determine which NRCS form is appropriate for your project.

Remarks: Based on a desktop review, a site visit on August 17, 2018 by Troyer Group, the aerial map of the project area (Appendix B-3), there are is land within the project area that appears suitable as agriculture lands. The undeveloped land north of SR 2, despite not being currently farmed, is suitable for agriculture activities such as pastureland or grain cultivation. Approximately 1.91 acres of this area suitable for agriculture activity will be acquired from north of SR 2 to accommodate the majority of the roundabout footprint.

An early coordination letter was sent on January 16, 2018, to Natural Resources Conservation Services (NRCS). Their response indicated that there are 1.25 of farmland within the project limits as defined by the Farmland Protection Policy Act. Coordination with NRCS resulted in a score of 109 on the NRCS-AD 1006 Form Appendix C-17. NRCS's threshold score for significant impacts to farmland that result in the consideration of alternatives is 160. Since this project score is less than the threshold, no significant loss of prime, unique, statewide, or local important farmland will result from this project. No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland.

**SECTION C – CULTURAL RESOURCES**

Category	Type	INDOT Approval Dates	N/A
Minor Projects PA Clearance			x

Eligible and/or Listed Resource Present

**Results of Research**

Archaeology	x
NRHP Buildings/Site(s)	
NRHP District(s)	
NRHP Bridge(s)	

**Project Effect**

No Historic Properties Affected  No Adverse Effect  Adverse Effect

Documentation Prepared

Documentation (mark all that apply)

	ES/FHWA Approval Date(s)	SHPO Approval Date(s)
Historic Properties Short Report	1/18/18	2/9/18
Historic Property Report		
Archaeological Records Check/ Review		
Archaeological Phase Ia Survey Report	8/22/17 for original report 2/27/18 for Addend. 1	9/21/17 for original report 4/2/18 for Addend. 1
Archaeological Phase Ic Survey Report		
Archaeological Phase II Investigation Report		
Archaeological Phase III Data Recovery		
APE, Eligibility and Effect Determination		
800.11 Documentation	7/23/18 (FHWA)	8/30/18

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Memorandum of Agreement (MOA)

**MOA Signature Dates** (List all signatories)

INDR – 10/11/18  
 FHWA – 10/15/18  
 INDOT – 10/12/18

*Describe all efforts to document cultural resources, including a detailed summary of the Section 106 process, using the categories outlined in the remarks box. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of paper(s) and the comment period deadline. Likewise include any further Section 106 work which must be completed at a later date, such as mitigation or deep trenching.*

Remarks:

**Area of Potential Effect (APE):**

An Area of Potential Effects (APE) was identified, inside of which all above ground resources were identified and evaluated. The APE is the “geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties. The area of potential effects is influenced by the scale and nature of an undertaking....” (36 CFR 800.9 a). The aboveground APE for this project encompasses all areas from which the proposed roundabout, realigned roadways, and pedestrian amenities are readily visible, including all properties adjacent to the intersection and proposed sidewalks. The APE for archaeological resources is defined as the project footprint. (Appendix D-12).

**Coordination with Consulting Parties:**

INDOT and The Troyer Group invited eleven consulting parties, listed below, (Appendix D-57) as part of the Section 106 early coordination issued on May 22, 2017. Affirmative responses were received from the following: The Miami Tribe of Oklahoma and the Forest County Potawatomi Community. (Appendix D-23 through D-55: all Section 106 Correspondence)

**List of Consulting Invited Parties**

- IDNR Division of Historic Preservation and Archaeology (SHPO)
- Porter County Commissioners
- Indiana Landmarks - Northwest Field Office
- Porter County Museum Director / Porter County Historian
- Northwest Indiana Genealogical Society
- Northwestern Indiana Regional Planning Commission
- Forest County Potawatomi Community
- Miami Tribe of Oklahoma
- Eastern Shawnee Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Pokagon Band of Potawatomi Indians

On June 7, 2017, the Miami Tribe of Oklahoma responded to the early coordination letter (ECL), accepting the invitation to consult on the project. The Tribe stated that they had no “documentation directly linking a specific Miami cultural or historic site to the project site.” However, because the project site is within the aboriginal homelands of the of the Miami Tribe, the Tribe requested “immediate consultation with the entity of jurisdiction,” 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 this project. (Appendix D-30)

On June 21, 2017, the Forest County Potawatomi Community responded to the ECL, accepting the invitation to consult on this project. The Tribe also stated that the “project occurs within the current geographic area of interest of the Forest County Potawatomi Community” and asked that the Tribe receive a “copy of any archaeological survey and SHPO comment letter related to the project.” (Appendix D-31)

On July 10, 2017, the staff of the Indiana SHPO responded to the ECL. The staff of the SHPO stated that they “were not aware of any parties who should be invited to participate in the consultation on this federal undertaking, beyond those whom you already have invited” and asked that the Troyer Group clarify the project location as being in Center Township and not in Porter Township as noted in the ECL. The staff of the SHPO stated that they “look forward to receiving reports on the archaeological and above-ground properties investigations....”(Appendix D-32)

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### Archaeology:

A Phase Ia Archaeological Field Reconnaissance was conducted between March 21, 2017 and April 21, 2017 and an accompanying Archaeological Report was completed in July 2017 (Arnold, 2017). An addendum to the archaeology report was prepared to investigate the corridor for the once-considered pedestrian connection to Heavilin Elementary School. The report for Addendum No. 1 was completed on February 20, 2018 (Arnold, 2018). The archaeology investigations accomplished the following.

1. Identify and verify the presence or absence of cultural deposits within the project area,
2. Assess the potential of any sites identified for inclusion in the Indiana Register of Historic Sites and Structures (IRHSS) or the National Register of Historic Places (NRHP).
3. Collect sufficient information to identify the cultural affiliation of any sites located and their possible function(s).

Five previously unidentified archaeological sites (12PR0803 to 12PR0807) were encountered during the Phase Ia archaeological field reconnaissance. Three of the five sites lack the necessary eligibility criteria for listing in the NRHP, and no further archaeological work is recommended. Two sites (12PR0805 and 12PR0806) are temporally related to the original nineteenth century Porter County Poor Home and are recommended as potentially eligible for listing in the NRHP under Criteria A and Criteria D. Criterion A is applied to sites that are associated with events that have made a significant contribution to the broad patterns of our history. Criterion D is applied to sites that have yielded or may be likely to yield, information important in history or prehistory. If avoidance is not possible, then additional archaeological work is recommended prior to construction to better assess each site's potential to contain important archaeological information.

On September 14, 2017, the Forest County Potawatomi Community responded to the archaeology report prepared by Weintraut and Associated (Arnold, 2018), stating that the Tribe concurred "with the report finding of NO HISTORIC PROPERTIES AFFECTED provided the avoidance contingency is followed for the recommended sites." The Forest County Potawatomi Community also requested that "in the event any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) is followed and in addition that work in the immediate vicinity of the find halt and the Tribal Historic Preservation Office is contacted for consultation regarding treatment and handling protocols prior to removal." (Appendix D-39)

On September 21, 2017, SHPO responded to the Archaeology Report submitted on August 25, 2017. SHPO concurred with the archaeologist's opinion that there is insufficient information regarding archaeological sites 12PR0805 and 12PR0806 to make a determination of NRHP eligibility. Both sites "must either be avoided or subjected to further archaeological investigations" and "should be clearly marked so that they are avoided by all ground-disturbing project activities." SHPO staff noted that, "if avoidance is not feasible," a plan for subsurface archaeological investigations must be submitted to the DHPA and further investigations conducted in accordance with "Secretary of the Interior's Standards and guidelines for Archeology and Historic Preservation." This is a firm project commitment and is included in the Environmental Commitments section of this CE document.

SHPO also concurred that sites 12-PR-0803, 12-PR-0804, and 12-PR-0807 do not appear eligible for inclusion in the NRHP. Additionally, SHPO acknowledged that the site survey record forms had been submitted to SHAARD. The SHPO also cautioned that "[i]f any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Department of Natural Resources within two (2) business days..." and "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." Finally, the SHPO noted that the consulting parties "await a proposed area of potential effects and a historic property report or short report, as appropriate, regarding above-ground properties." (Appendix D-41).

On February 9, 2018, SHPO sent a letter responding to the Historic Property Short Report (HPSR) submitted by The Troyer Group on January 19, 2018. SHPO staff stated that the APE utilized in the HPSR "appears to be of adequate size to include the geographic area in which direct and indirect effects could occur." Further, SHPO agreed that "none of the properties identified in the report as lying within the APE are eligible for inclusion" in the NRHP. SHPO reiterated its earlier findings regarding the Archaeology Report (September 21, 2017 letter above) and stated that "unless another consulting party disagrees with the conclusions of the HPSR within the comment period, it would be appropriate to ask INDOT to make a finding, (Appendix D-45).

SHPO staff received the Addendum No. 1 Archaeology Report on March 2, 2018 and responded on April 2, 2018. SHPO concurred with the opinion expressed by the archaeologist that no further investigations were necessary in the addendum

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project area and reiterated that “[i]f any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to the Department of Natural Resources within two (2) business days...” and...”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.” (Appendix D-52)

Both sites (identified as 12PR0805 and 12PR0806) are located within the area of the preferred alternative, and within the area of all other alternatives that meet the purpose and need, and will be impacted by construction activities. Avoidance would only be feasible under no-build alternative, which has been eliminated from further consideration. Since the sites cannot be avoided, they will be subjected to additional investigation to determine if it is eligible for the NRHP.

### Historic Properties:

A Historic Property Short Report (HPSR) was prepared by Troyer Group in January, 2018. The National Register of Historic Places (NRHP) and Indiana Register of Historic Sites and Structures (State Register) were checked and no properties on either list are in the APE. Porter County, Indiana was surveyed for the Indiana Historic Sites and Structures Inventory (IHSSI) by the Historic Landmarks Foundation of Indiana most recently in 1990. An interim report was published in 1991, which identified two properties within the APE, both of which were evaluated for their eligibility for the NRHP as part of a HPSR. In addition to properties surveyed within the IHSSI, all properties determined to be 50 years of age or older at the time of the project letting (2018) were subject to evaluation. Online data available from the Porter County Assessor was consulted to aid in determining the age of the structures within the APE.

The HPR concluded that no above-ground properties are eligible for the NRHP. The conclusions of the report are located in Appendix D-73.

### Documentation, Findings:

Due to the anticipated impacts upon the identified archaeological sites and their potential eligibility for the NRHP, a pre-emptive finding of “Adverse Effect” has been applied to the project. Typically an “Adverse Effect” finding would not be made until affected sites have been confirmed eligible for the NRHP. In this instance, “Adverse Effect” has been applied to permit the Section 106 process to conclude to a point that will allow the advancement of the environmental review and project development processes. A finding of “Adverse Effect” was approved by FHWA, on July 23, 2018 (Appendix D-1).

The eligibility of individual archaeological sites 12PR0805 and 12PR0806 will be addressed at a later date. Standards for the archaeological identification, evaluation, and reporting have been included in the Memorandum of Agreement (MOA). FHWA has addressed the effects of the undertaking on any NRHP-eligible archaeology site(s) through stipulations in a MOA discuss further in the text below.

The consulting parties, including the SHPO, were informed of the finding on July 31, 2018. The SHPO concurred with the finding of “Adverse Effect” in a letter dated August 30, 2018 (Appendix D-75).

### Public Involvement:

To meet the public involvement requirements of Section 106, a notice of the Federal Highway Administration’s (FHWA’s) finding of “Adverse Effect” was advertised in the *NWI Times* on August 3, 2018. The notice offered the public an opportunity to comment on the finding “Adverse Effect.” The public comment period closed 31 days later on September 2, 2018. The text of the public notice and the affidavit of publication appear in Appendix D-77. No comments were received from the public.

### Memorandum of Agreement

When the Section 106 process results in a finding of “Adverse Effect,” in consultation with SHPO and other consulting parties, measures are undertaken to minimize and mitigate those effects. These measures are usually formalized through the execution of a Memorandum of Agreement (MOA). The MOA serves as a binding legal document that holds parties responsible to commitments stipulated in the document. Since the consideration of alternatives could not result in a viable alternative solution that would avoid adverse impacts to the identified archaeological sites, mitigation measures have been developed that seek to reduce or compensate for the “adverse effect” upon the identified sites. Given the nature of the site, the agreed upon mitigation measures involve data recovery and documentation of the archaeology sites.

The MOA for this project is located in Appendix D-79 through D-91, and was signed by the following consulting parties:

- Indiana Department of Natural Resources, October 11, 2018
- Indiana Department of Transportation, October 12, 2018

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- Federal Highway Administration, October 15, 2018

The following mitigation measures were agreed upon within the MOA. Each of these measures are listed as firm environmental commitments in Section J of this document.

- A. The Phase Ia archaeological reconnaissance identified two sites, 12PR0805 and 12PR0806, recommended potentially eligible for inclusion on the NRHP. Before commencing construction activities within a segment of this undertaking that could affect sites 12PR0805 and 12PR0806, FHWA or their representatives shall conduct Phase II testing at each site to determine their eligibility for listing in the NRHP. If the sites are determined eligible for inclusion in the NRHP, Phase III data recovery shall be conducted to mitigate for impacts to the sites from this undertaking.
- B. No less than 10% of each site within the project limits shall be tested during Phase II investigations; Phase III data recovery, if required, shall excavate no less than an additional 25% of the site area within the project limits as mitigation.
- C. Prior to fieldwork, an archaeological Treatment Plan outlining the methodologies to be followed during Phase II and Phase III investigations shall be submitted to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology for approval under IC-14-21-1-25.
- D. A report of investigations detailing all archaeological investigations shall be provided to SHPO for their review and concurrence within one (1) year after fieldwork ends.

If any changes are made to the MOA, then the revised MOA must be circulated for review and comment before new signatures are obtained. This is also a firm project commitment.

The Section 106 process has been completed and the responsibilities of the FHWA under Section 106 have been fulfilled.

### SECTION D – SECTION 4(f) RESOURCES/ SECTION 6(f) RESOURCES

Section 4(f) Involvement (mark all that apply)

**Parks & Other Recreational Land**

- Publicly owned park
- Publicly owned recreation area
- Other (school, state/national forest, bikeway, etc.)

Presence


Use

Yes	No

Evaluations

Prepared

- Programmatic Section 4(f)\*
- "De minimis" Impact\*
- Individual Section 4(f)


**FHWA**  
Approval date

**Wildlife & Waterfowl Refuges**

- National Wildlife Refuge
- National Natural Landmark
- State Wildlife Area
- State Nature Preserve

Presence


Use

Yes	No

Evaluations

Prepared

- Programmatic Section 4(f)\*
- "De minimis" Impact\*
- Individual Section 4(f)


**FHWA**  
Approval date

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<b>Historic Properties</b> Sites eligible and/or listed on the NRHP	<u>Presence</u>  <input type="checkbox"/>	<u>Use</u> Yes <input type="checkbox"/> No <input type="checkbox"/>	
Programmatic Section 4(f)* "De minimis" Impact* Individual Section 4(f)	<u>Evaluations Prepared</u>  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<u>FHWA Approval date</u>  <input type="text"/>	

\*FHWA approval of the environmental document also serves as approval of any Section 4f Programmatic and/or De minimis evaluation(s) discussed below.

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the remarks box below. Individual Section 4(f) documentation must be separate Draft and Final documents. For further discussions on Programmatic, "de minimis" and Individual Section 4(f) evaluations please refer to the "Procedural Manual for the Preparation of Environmental Studies". Discuss proposed alternatives that satisfy the requirements of Section 4(f).

Remarks:

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, a site visit on August 17, 2018 by Troyer Group, the aerial map of the project area (Appendix B-3), and the RFI report (Appendix B), there are no Section 4(f) resources within or adjacent to the project area.

According to the RFI, there is one trail segment intersecting the project area (see "Infrastructure" map from the RFI, Appendix E-8): The trail corridor represents a trail planned within or along INDOT-owned right-of-way, but the trail is not yet constructed. According to the attributes available from available geographic information systems data, the trail is titled "State Road 2/Westville Trail Corridor" and it appeared in a 2005 plan prepared by the Northwest Indiana Regional Planning Commission (NIRPC). However, the "Northwest Indiana Regional Pedestrian and Bicycle Transportation Plan of 2010" identifies this corridor as a low priority trail corridor. NIRPC was sent an early coordination letter on January 16, 2018, but no response was received. A follow-up coordination email was sent to NIRPC on March 25, 2019 (Appendix C-46) in which NIRPC was asked to provide an update on the status of the planned trail. No response from NIRPC was received.

Section 4(f) applies to a planned facility when a public entity owns the property and has formally designated and determined it to be significant for park, recreation area, or wildlife and waterfowl refuge purposes. No definite plans regarding this trail appear in the 2017 Porter County Parks and Recreation 5-year Master Plan. The plan provides no mention of a preferred alignment, construction budget, or timeline concerning this trail corridor. The trail's only reference in the Master Plan is on an illustration titled "Priority Trail Corridors" on page 61 at the following link (also available in Appendix I-5) <http://www.porterco.org/DocumentCenter/View/4158>. Within this graphic, the trail corridor is identified as a "Low Priority" corridor.

A coordination letter was sent to the Porter County Parks and Recreation Department on March 29, 2019 (Appendix C-50) in which the Parks Department was asked to provide any update on the status of the planned trail and their opinion on whether or not the proposed intersection improvement would impact the planned trail. The Porter County Parks and Recreation Department responded on March 29, 2019 (Appendix C-52), indicating they were not aware of any recent development concerning the proposed trail, and the recommended NIRCP and the City's parks Department be contacted as well. A similar coordination letter was sent to the City of Valparaiso Parks and Recreation Department (Valpo Parks) on April 3, 2019 (Appendix C-53) in which the Valpo Parks was asked to provide any update on the status of the planned trail and their opinion on whether or not the proposed intersection improvement would impact the planned trail. Valpo Parks responded on April 8, 2019 (Appendix C-55). Valpo Parks stated that they have no plans for any pathways in the project area at this time and that the proposed roundabout not interfere with any current plans. There will be no Section 4(f) impacts upon the planned trail as a result of the intersection improvement project.

Regarding the potential NRHP-eligible archaeology sites discussed in Section C - FHWA Section 4(f) regulations exempt NRHP-eligible archeological sites from Section 4(f) protection if the archaeological resource "is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place" per 23 CFR

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§774.13(b)(1). This exception from Section 4(f) is only effective if the "officials(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected" per 23 CFR §774.13(b)(2). Most archaeological resources qualify for this exception.

Commitments to mitigate adverse impacts to archaeological resources that are determined eligible for the NRHP as a result of the proposed intersection improvement project have been developed through an MOA between INDOT, FHWA, DHPA-SHPO, and consulting parties. The MOA identifies data recovery as the preferred means for mitigation of impacts upon the archaeology site, not preservation in place. DHPA-SHPO represents the office with jurisdiction over this potential Section 4(f) resource and they have concurred that the site would not require preservation in place if it is determined NRHP-eligible. Therefore, the archaeology sites are not and will not be considered Section 4(f) resources.

There are no Section 4(f) resources within or adjacent to the project area. Therefore, no impacts are expected.

**Section 6(f) Involvement**

Presence

Use

Yes

No

**Section 6(f) Property**




*Discuss proposed alternatives that satisfy the requirements of Section 6(f). Discuss any Section 6(f) involvement.*

Remarks: The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the LWCF website at <https://www.lwcfcoalition.com/tools> revealed a total of 21 properties in Porter County (Appendix I-1). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources as a result of this project.

**SECTION E – Air Quality**

**Air Quality**

**Conformity Status of the Project**

Is the project in an air quality non-attainment or maintenance area?

Yes

No



If YES, then:

Is the project in the most current MPO TIP?



Is the project exempt from conformity?



If the project is NOT exempt from conformity, then:

Is the project in the Transportation Plan (TP)?



Is a hot spot analysis required (CO/PM)?



Level of MSAT Analysis required?

Level 1a  Level 1b  Level 2  Level 3  Level 4  Level 5

Remarks: This project is included in the Fiscal Year (FY) 2018-2021 NIRPC Transportation Improvement Program (TIP) (Appendix H-1 to H-2) and the Statewide Transportation Improvement Program (STIP) (Appendix H-3).

This project is located in Porter County, which is currently a moderate nonattainment area for 2008 8-Hour Ozone Standard according to the most recent map of Indiana nonattainment areas ([https://www.in.gov/ndem/airquality/files/nonattainment\\_areas\\_map.pdf](https://www.in.gov/ndem/airquality/files/nonattainment_areas_map.pdf)). This project has been identified as being exempt from air quality analysis in accordance with 40 CFR Part 93.126 and this project is not a project of air quality concern (40 CFR Part 93.123). Therefore, the project will have no significant impact on air quality.

This project is of a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117(c), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126, and as such, a quantitative Mobile Source Air Toxics (MSAT) analysis is not required.

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**SECTION F - NOISE**

Noise Yes      No  
 Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?

	No	Yes/ Date
ES Review of Noise Analysis	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: This project is a Type III project. In accordance with 23 CFR 772 and the current *Indiana Department of Transportation Traffic Noise Analysis Procedure*, this action does not require a formal noise analysis.

**SECTION G – COMMUNITY IMPACTS**

**Regional, Community & Neighborhood Factors**

Will the proposed action comply with the local/regional development patterns for the area?  
 Will the proposed action result in substantial impacts to community cohesion?  
 Will the proposed action result in substantial impacts to local tax base or property values?  
 Will construction activities impact community events (festivals, fairs, etc.)?  
 Does the community have an approved transition plan?  
 If No, are steps being made to advance the community's transition plan?  
 Does the project comply with the transition plan? (explain in the remarks box)

Yes	No
x	
	x
	x
	x
x	
x	

Remarks: The proposed intersection improvement will not impact development patterns in the area. There will be no negative impacts to community cohesion, the local tax base, or property values. Construction is not expected to affect planned community events.

Porter County has an approved ADA transition plan, which is viewable online at: <http://www.porterco.org/index.aspx?NID=1008>. There are no existing pedestrian facilities within the project limits and the purpose and need of the project does not include pedestrian facilities; furthermore, this project will not affect any area identified as priorities for improvement. Therefore, the project is considered in compliance with county's ADA transition plan.

The construction of the roundabout is not anticipated to impact any community events such as festivals or fairs. The website <http://www.porterco.org/calendar.aspx> was consulted and none of the events listed occur near the proposed project. Access to these events will not be directly affected by the MOT plan as SR 2 will remain open during construction. The detour routes for Heavilin Road, to be used during certain construction phases, will ensure alternate routes will be provided.

Once constructed, the project will have a positive impact on the community as it will improve safety for the motoring public.

**Indirect and Cumulative Impacts** Yes      No  
 Will the proposed action result in substantial indirect or cumulative impacts?



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Remarks: Indirect impacts are effects caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. They may include growth inducing effects, inducing changes in the pattern of land use, and related effects on air and water and other natural systems. Cumulative impacts are those resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Although the project is introducing a new roundabout, no new access will be created. Traffic patterns after construction are anticipated to remain consistent with those observed currently. Therefore, conversion of the nearby vacant land to commercial use or any other additional development is not anticipated to be intensified by the proposed improvement.

### Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public and private utilities, emergency services, religious institutions, airports, public transportation or pedestrian and bicycle facilities? *Discuss how the maintenance of traffic will affect public facilities and services.*

Yes  No

Remarks: Based on a desktop review, a site visit on August 17, 2018 by Troyer Group, the aerial map of the project area (Appendix B-3), and the RFI report (Appendix E), there are none of the following facility types near the project area: health, religious institution, airports, or public transportation. No significant impacts are expected to these facility types.

The Porter County Highway Department is located immediately southeast of the intersection and the Porter County Emergency Service Center is located near the western project terminus, 700 feet west of the intersection. Access to these facilities will be maintained during construction. SR 2 and Heavilin Road will remain open during the majority of the construction duration. However, the final phase of the project construction will focus on the construction of the north and southbound travel lane on Heavilin Road. The final phase will involve traffic being maintained on SR 2 while the entry onto Heavilin Road from SR 2 will be closed during this phase and a detour will be used to access Heavilin Road. A detour for Heavilin Road will involve Division Road to the south and CR 100 W to the west. The added travel distance associated to this detour is 2.6 miles. The detour is expected to last 1 to 2 months.

It is important that ease of access and egress from the Porter County Emergency Service Center be maintained during construction, and that no delays are associated with the proposed improvements – both during construction and upon completion. A coordination letter specific to potential impacts upon the Porter County Emergency Service Center was sent on March 26, 2019 (Appendix C-47) in which the project details were conveyed to the Emergency Management Center, and they were invited to provide comment on issues related to ingress and egress during construction. Porter County Emergency Service Center responded on March 27, 2019 (Appendix C-49) offering to coordinate before and during construction to ensure access is maintained. Coordination will continue prior to final approval of this document to ensure impacts to emergency response will be minimized. This is a firm project commitment included in Section J.

Heavilin Elementary School is located 0.2 mile south of the SR 2 along Heavilin Road. Coordination with Valparaiso Community Schools (VCS) has occurred throughout project development and will remain ongoing through the duration of design and construction.

The project sponsor will be responsible for contacting school districts and emergency services at least 2 weeks prior to construction. This is a firm commitment included in Section J. The closures/lane restrictions will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated, and all inconveniences will cease upon project completion.

Public and private utilities are present within and near the existing apparent right-of-way and could conflict with the proposed improvement. Private underground utilities include natural gas and broadband cable/phone. Private overhead utilities included electric. Public underground utilities include water and sanitary sewer. Utility coordination is ongoing with each utility's respective owner to ensure project impacts can be avoided or an appropriate relocation can occur.

No bicycle and pedestrian improvements are currently present in the immediate project area. In coordination with VCS, consideration was given to potential pedestrian improvements as preliminary project plans were developed. VCS wanted to provide safe pedestrian access to Heavilin Elementary School – both along Heavilin Road and across the intersection. Pedestrian improvement along SR 2 were also considered in conjunction with those being proposed by VCS. However, at the request of VCS, pedestrian improvements between the intersection and Heavilin Elementary School were eliminated from the project. Upon removing this critical link, pedestrian improvement elsewhere throughout project area

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became less warranted and were therefore removed from the project scope, as well.

The planned "State Road 2/Westville Trail Corridor" that appeared in a 2005 plan prepared by the NIRPC goes through the project area along the north side of SR 2. This has been identified as a low priority trail corridor in the "Northwest Indiana Regional Pedestrian and Bicycle Transportation Plan of 2010." Due to missing linkages near the intersection, the trail is not planned to be constructed in conjunction with the roundabout.

Once constructed, the project will have a positive impact on the community as it will improve safety and traffic efficiency for the motoring public.

**Environmental Justice (EJ) (Presidential EO 12898)**

During the development of the project were EJ issues identified?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Does the project require an EJ analysis?

If YES, then:

Are any EJ populations located within the project area?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Will the project result in adversely high or disproportionate impacts to EJ populations?

**Remarks:**

Under FHWA Order 6640.23A, FHWA and INDOT, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way. The project will require 2.46 acres of new right-of-way acquisition. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is the Porter County. The community that overlaps the project limits is called the affected community (AC). In this project, the AC is Census Tract 506.04. An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the 2013-2017 American Community Survey 5-Year Estimates was obtained from the US Census Bureau Website <https://factfinder.census.gov/> on March 8, 2018 by Troyer Group. The data collected for minority and low-income populations within the AC are summarized in the below table.

	COC (Porter County)	AC-1 (Census Tract 506.04, Porter County, Indiana)
Percent Minority	8.4%	5.0%
125% of COC	10.5%	AC < 125% COC
EJ Population of Concern	-----	No
Percent Low-Income	11.0%	9.1%
125% of COC	13.8%	AC < 125% COC
EJ Population of Concern	-----	No

AC-1, Census Tract 506.04 has a percent minority of 5.0% which is below 50% and is below the 125% COC threshold. Therefore, both the AC does not contain minority populations of EJ concern.

AC-1, Census Tract 506.04 has a percent low-income of 9.1% which is below 50% and is below the 125% COC threshold. Therefore, the AC does not contain low-income populations of EJ concern.

The census maps and data sheets can be found in Appendix I-2 through I-4. No further environmental justice analysis is warranted.

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**Relocation of People, Businesses or Farms**

Will the proposed action result in the relocation of people, businesses or farms?  
 Is a Business Information Survey (BIS) required?  
 Is a Conceptual Stage Relocation Study (CSRS) required?  
 Has utility relocation coordination been initiated for this project?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Number of relocations: Residences: 0 Businesses: 0 Farms: 0 Other: 0

*If a BIS or CSRS is required, discuss the results in the remarks box.*

Remarks: No relocations of people, businesses, or farms will take place as a result of this project.

Private utilities are present within the right-of-way and could conflict with the proposed improvement. Private underground utilities include a natural gas and broadband cable/phone. Utility coordination is ongoing with each utility's respective owner to ensure project impacts can be avoided or an appropriate relocation can occur.

**SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES**

Documentation

**Hazardous Materials & Regulated Substances (Mark all that apply)**

Red Flag Investigation   
 Phase I Environmental Site Assessment (Phase I ESA)   
 Phase II Environmental Site Assessment (Phase II ESA)   
 Design/Specifications for Remediation required?

	No	Yes/ Date
<b>ES Review of Investigations</b>	<input type="checkbox"/>	1/30/18

*Include a summary of findings for each investigation.*

Remarks: Based on a review of GIS and available public records, a RFI (Appendix E) was completed on January 11, 2018 by Troyer Group and approved by INDOT on January 30, 2018 and two Underground Storage Tanks (UST) were found within 0.5 mile of the project area. The nearest, Fetlas Bargain Center, 1457 South State Road 2, (FID No. 12854) is located 0.06 mile west of the project area. No impact is expected. The second UST is not near enough to the project vicinity for impacts to be expected.

The Porter County Highway Department, 1955 South State Road 2, (FID No. 7836) is a Leaking Underground Storage Tank (LUST) site located south of State Road 2 and east of Heavilin Road. Residual chemicals of concern remain on-site in the vicinity of the garage, but do not extend into the project area. IDEM issued a No Further Action Determination Pursuant to 1994 Guidance letter, dated March 7, 2011. No impact is expected. Further investigation for hazardous materials at this site is not required at this time.

The Porter County Sheriff's Garage (FID No. 50111) is a LUST site located south of State Road 2 and west of Heavilin Road. Residual chemicals of concern remain on-site in the vicinity of the former UST cavity but do not extend into the project area. IDEM issues a No Further Action Determination Pursuant to 1994 Guidance letter, dated May 28, 2009. No impact is expected. Further investigation for hazardous materials at this site is not required at this time.

If a spill occurs or contaminated soils or water are encountered during construction, appropriate personal protective equipment (PPE) should be used. Contaminated materials will need to be properly handled by trained personnel and disposed in accordance with current regulations. IDEM should be notified through the spill line at (888) 233-7745 with 24 hours of discovery of a release from a UST system and within 2 (two) hours of discovery of a spill. This is a firm commitment.

If contamination is encountered the material will be removed, transported, and disposed of properly in accordance with federal, state, and local guidance. Workers will be provided appropriate personal protective equipment (PPE) based on the particular types of contaminants present on site. This is a firm commitment.

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### SECTION I – PERMITS CHECKLIST

Permits (mark all that apply)	<u>Likely Required</u>
<b>Army Corps of Engineers (404/Section10 Permit)</b>	
Individual Permit (IP)	<input type="checkbox"/>
Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	<input type="checkbox"/>
Pre-Construction Notification (PCN)	<input type="checkbox"/>
Other	<input type="checkbox"/>
Wetland Mitigation required	<input type="checkbox"/>
Stream Mitigation required	<input type="checkbox"/>
<b>IDEM</b>	
Section 401 WQC	<input type="checkbox"/>
Isolated Wetlands determination	<input type="checkbox"/>
Rule 5	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>
Wetland Mitigation required	<input type="checkbox"/>
Stream Mitigation required	<input type="checkbox"/>
<b>IDNR</b>	
Construction in a Floodway	<input checked="" type="checkbox"/>
Navigable Waterway Permit	<input type="checkbox"/>
Lake Preservation Permit	<input type="checkbox"/>
Other	<input type="checkbox"/>
Mitigation Required	<input type="checkbox"/>
<b>US Coast Guard Section 9 Bridge Permit</b>	
<b>Others (Please discuss in the remarks box below)</b>	
	<input type="checkbox"/>

Remarks: An IDEM Rule 5 storm water permit will be required for the project because more than 1.0 acre of land will be disturbed.

No impacts to jurisdictional waters or wetlands are anticipated, therefore Section 401/404 Water Quality Certification permits will not be required. If changes to project scope or right-of-way become necessary, permit requirements will be re-evaluated.

Due to the proposed stormwater outlet's location within Salt Creek's regulated floodway, a Construction in a Floodway (CIF) permit from IDNR will be required. Due to the minimal change anticipated in the cross-section flow area, a non-modeling assessment approach will likely apply. All conditions associated to an approved CIF permit will be observed and will become firm project commitments.

Applicable recommendations provided by IDEM, IDNR, and USFWS are included in the Environmental Commitments section of this document.

If changes to project scope or right-of-way become necessary, permit requirements will be re-evaluated.

It is the responsibility of the project sponsor to obtain any necessary permits and comply with their conditions.

### SECTION J- ENVIRONMENTAL COMMITMENTS

The following information should be provided below: List all commitments, name of agency/organization requesting the commitment(s), and indicating which are firm and which are for further consideration. The commitments should be numbered.

Remarks: **FIRM:**

- If a spill occurs or contaminated soils or water are encountered during construction, appropriate personal protective equipment (PPE) should be used. Contaminated materials will need to be used. Contaminated materials will need to be properly handled by trained personnel and disposed in accordance with current regulations. IDEM should be notified through the spill line at (888) 233-7745 within 24 hours of discovery of a

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- release from a UST system and within 2 (two) hours of discovery of a spill. (INDOT Site Assessment and Management)
2. If contamination is encountered the material will be removed, transported, and disposed of properly in accordance with feral, state, and local guidance. Workers will be provided appropriate personal protective equipment (PPE) based on the particular types of contaminants present on site. (INDOT Site Assessment and Management)
  3. If any 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. (INDR-SHPO)
  4. MOA: If any changes are made to the Memorandum of Agreement (MOA) established among INDOT, IDNR, and FHWA to mitigate impacts upon the potential NRHP-eligible archaeology sites, then the revised MOA must be circulated for review and comment before new signatures are obtained. (INDR-SHPO)
  5. MOA: The Phase Ia archaeological reconnaissance identified two sites, 12PR0805 and 12PR0806, recommended potentially eligible for inclusion on the NRHP. Before commencing construction activities within a segment of this undertaking that could affect sites 12PR0805 and 12PR0806, FHWA or their representatives shall conduct Phase II testing at each site to determine their eligibility for listing in the NRHP. If the sites are determined eligible for inclusion in the NRHP, Phase III data recovery shall be conducted to mitigate for impacts to the sites from this undertaking. (INDR-SHPO)
  6. MOA: No less than 10% of each site within the project limits shall be tested during Phase II investigations; Phase III data recovery, if required, shall excavate no less than an additional 25% of the site area within the project limits as mitigation. (INDR-SHPO)
  7. MOA: Prior to fieldwork, an archaeological Treatment Plan outlining the methodologies to be followed during Phase II and Phase III investigations shall be submitted to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology for approval under IC-14-21-1-25. (INDR-SHPO)
  8. MOA: A report of investigations detailing all archaeological investigations shall be provided to SHPO for their review and concurrence within one (1) year after fieldwork ends. (INDR-SHPO)
  9. The project sponsor is responsible to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT)
  10. If the scope of work or permanent or temporary right-of-way amounts change, INDOT ES and the INDOT LaPorte District Environmental Section will be contacted immediately. (INDOT)
  11. All conditions of any regulatory permits acquired for this project must be observed, unless specifically exempt through documented coordination with the permitting agency. Any commitment listed in the environmental document as a "recommendation" or "for consideration" is superseded by any similar conditions of any permit obtained for the project. Such conditions shall be treated as mandatory commitments. (INDOT)
  12. All wetlands and jurisdictional streams that occur adjacent to construction activity will be clearly marked on the construction plan sheets and labeled as "Do Not Disturb." Silt fence or appropriate erosion control measures, as determined by the INDOT Stormwater Team, will be installed to separate the ground-disturbing construction activities from the wetland areas and jurisdictional streams. No construction activities will occur within said areas. (INDOT)
  13. Workers working near Salt Creek should take care to wear appropriate personal protective equipment, observe proper hygiene procedures, including regular hand washing, and limit personal exposure. (INDOT)
  14. The designer of the project will be notified of the geological features noted in the IGS assessment. (INDOT)
  15. Coordination with the Porter County Emergency Service Center was initiated on March 26, 2019 and will continue prior to final approval of this document to ensure impacts to emergency response will be minimized.
  16. 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. (USFWS)
  17. LIGHTING AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
  18. 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. (USFWS)
  19. TREE REMOVAL AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
  20. TREE REMOVAL AMM 2: 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). (USFWS)
  21. A "Reinitiation Notice" is required if: more than 0.16 acre of suitable bat habitat is to be cleared; new information about listed species is encountered; the project is modified in a manner that causes an effect to the

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- listed species; or a new species or critical habitat is listed that the project may affect. (USFWS)
22. The Federal Highway Administration, its State/Local cooperators, and any contractors must take care when handling dead or injured Indiana bats and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office. (USFWS)
  23. All tree removal must occur in winter between October 1<sup>st</sup> through March 31<sup>st</sup>, when bats are not likely to be present. (USFWS)
  24. The amount to be paid to the Range-wide In-lieu Fee Program, to be administered by The Conservation Fund, shall be \$2,971. (USFWS)

### FOR FURTHER CONSIDERATION:

1. 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. (IDEM)
2. 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. (IDEM)
3. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. Dirt tracked onto paved roads from unpaved areas should be minimized. (IDEM)
4. All facilities slated for renovation or demolition must be inspected by an Indiana-licensed asbestos inspector prior to renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, demolition, renovation, or asbestos removal activities must be performed in accordance with notification and emission control requirements. (IDEM)
5. In all cases where a demolition activity will occur (even if no asbestos is found), the owner by or operator must still notify IDEM 10 working days prior to the demolition. (IDEM)
6. IDEM encourages all efforts to minimize human exposure to lead-based paint chips and by dust. (IDEM)
7. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months of April through October. (IDEM)
8. Install silt fence or other erosion control measures around the perimeter of any wetlands and/or other waterbodies to remain undisturbed at the project site. (IDEM)
9. Stabilize all disturbed areas upon completion of land disturbing activities. (IDEM)
10. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. (IDEM)
11. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations. (IDEM)
12. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site. (IDEM)
13. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. (IDEM)
14. Tree and brush clearing should be kept to the minimum necessary to construct the project, including providing adequate sight distances. (USFWS Chesterton)
15. 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. (IDNR-DFW)
16. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush. (IDNR-DFW)
17. Do not work within the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife. (IDNR-DFW)
18. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30. (IDNR-DFW)
19. 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. (IDNR-DFW)
20. Do not excavate or place fill in any riparian wetland. (IDNR-DFW)

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### SECTION K- EARLY COORDINATION

Please list the date coordination was sent and all agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received. INDOT and FHWA are automatically considered early coordination participants and should only be listed if a response is received.

Remarks:

AGENCY:	DATE:	RESPONSE RECEIVED:
Indiana Department of Environmental Management	1/16/18	1/16/18 (Appendix C-3)
Indiana Geological Survey	1/16/18	1/16/18 (Appendix C-9)
IDNR Division of Fish and Wildlife	1/16/18	2/15/18 (Appendix C-18)
USFWS (Chesterton)	1/16/18	2/5/18 (Appendix C-14)
Federal Highway Administration	1/16/18	1/17/18 (Appendix C-12)
INDOT Office of Aviation	1/16/18	1/29/19 (Appendix C-13)
United States Army Corps of Engineers (Chicago District Office)	1/16/18	(no response)
United States Department of Housing and Urban Development	1/16/18	(no response)
United States Department of Agriculture, Natural Resource Conservation Service	1/16/18	2/12/18 (Appendix C-16)
National Park Service	1/16/18	(no response)
INDOT LaPorte District - Environmental Coordinator	1/16/18	(no response)
INDOT Office of Public Involvement	1/16/18	1/16/18 (Appendix C-8)
Northwest Indiana Regional Planning Commission	1/16/18 3/25/19	(no response) (no response)
Porter County Surveyor	1/16/18	(no response)
Porter County Director of Stormwater Management	1/16/18	(no response)
Porter County Engineering	1/16/18	(no response)
Porter County Board of Commissioners	1/16/18	(no response)
Porter County - Council District 3	1/16/18	(no response)
City of Valparaiso Engineering	1/16/18	(no response)
City of Valparaiso Mayor	1/16/18	(no response)
City of Valparaiso MS4	1/16/18	(no response)
City of Valparaiso - Council District 1	1/16/18	(no response)
City of Valparaiso Parks Department	4/3/19	4/1/19 (Appendix C-55)

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Porter Parks Department	3/29/19	3/29/19 (Appendix C-52)
Porter County Emergency Management Center	3/26/19	3/27/19 (Appendix C-49)