

**FHWA-Indiana Environmental Document**  
**CATEGORICAL EXCLUSION / ENVIRONMENTAL ASSESSMENT FORM**  
**GENERAL PROJECT INFORMATION**

<b>Road No./County:</b>	Blackiston Mill Road (Rd.), Floyd and Clark Counties
<b>Designation Number(s):</b>	1700788
<b>Project Description/Termini:</b>	Bridge Project, Structure No. 22-00051, National Bridge Inventory (NBI) No. 2200050, over Silver Creek, approximately 0.20 mile east of Charleston Rd.

	<b>Categorical Exclusion, Level 2</b> – Required Signatories: INDOT DE and/or INDOT ESD
	<b>Categorical Exclusion, Level 3</b> – Required Signatories: INDOT ESD
	<b>Categorical Exclusion, Level 4</b> – Required Signatories: INDOT ESD and FHWA
<b>X</b>	<b>Environmental Assessment (EA)</b> – Required Signatories: INDOT ESD and FHWA
	<b>Additional Investigation (AI)</b> – The proposed action included a design change from the original approved environmental document. Required Signatories must include the appropriate environmental approval authority

**Release for Public Involvement**

\_\_\_\_\_

FHWA Signature and Date                      INDOT ESD Signature and Date

**Certification of Public Involvement**

\_\_\_\_\_

INDOT Consultant Services Signature and Date

**INDOT DE/ESD Reviewer Signature and Date:**

\_\_\_\_\_

**Name and Organization of CE/EA Preparer:**

\_\_\_\_\_ Linda S. Zug / Metric Environmental, LLC

*Note: Refer to the most current INDOT CE Manual, guidance language, and other ESD resources for further guidance regarding any section of this form.*

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## Part I – Public Involvement

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Does the project have a historic bridge processed under the Historic Bridges PA*?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, then:		
Opportunity for a Public Hearing Required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.

*Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.*

Notice of Entry letters were mailed to potentially affected property owners near the project area on October 21, 2019, notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. A sample copy of the Notice of Entry letter is included in Appendix G, page G-1.

A legal notice was published in the *NEWS AND TRIBUNE* on June 16 and June 19, 2018, offering the public the opportunity to attend a public information meeting on June 26, 2018 at 4:00 pm or 6:00 pm at the Purdue Technology Center Campus on Technology Avenue, off Innovation Boulevard, in New Albany, Indiana (Appendix G, pages G-2 to G-3). In addition, the legal notice was mailed to seventy-eight project stakeholders and adjacent property owners.

Public Information Meetings were held at 4:00 PM and 6:00 PM on June 26, 2018 at the Purdue Technology Center Campus to introduce the project, show the alternatives being studied, and to receive public input. The project fact sheet, meeting sign-in sheets, and questions and answers are provided in Appendix G, pages G-4 to G-10. Approximately 43 residents and local business owners attended the meeting. General comments involved flooding issues, traffic growth and access issues, and if there would be sidewalks or bikeway on new bridge.

To meet the public involvement requirements of Section 106, a legal notice of FHWA's finding of No Adverse Effect was published in the *NEWS AND TRIBUNE* on April 23, 2022 offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later on May 23, 2022. The text of the public notice and the affidavit of publication appear in Appendix D, pages D-104 to D-105. No comments or responses were received.

The project will meet the minimum requirements described in the current *Indiana Department of Transportation (INDOT) Project Development Public Involvement Procedures Manual* which requires the project sponsor to offer the public an opportunity to submit comments and/or request a public hearing. Therefore, a legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled.

The EA will be available for review and comment during the public hearing and for two weeks prior to and after the public hearing, with an anticipated advertisement date of Summer 2023. Document comments will be solicited by the project team from the local communities. A public hearing is expected to be held in Summer 2023. The public hearing will be held at a time / place that is convenient to those being relocated and the relocates will receive direct mailings / information about the hearing. The public hearing will provide an additional opportunity for all interested and affected parties to identify themselves and express their opinions regarding the human and environmental impacts associated with the proposed project and maintenance of traffic plan. After the Public Hearing, the public comments will be summarized and responded to. If no substantive environmental comments or issues are raised during the public comment period, a finding of no significant impact (FONSI) is expected to be issued for the project.

### **Public Controversy on Environmental Grounds**

*Discuss public controversy concerning community and/or natural resource impacts, including what is being done during the project to minimize impacts.*

At this time, there is no substantial public controversy concerning impacts to the community or to natural resources.

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## Part II - General Project Identification, Description, and Design Information

Sponsor of the Project: Floyd County Commissioners INDOT District: Seymour

Local Name of the Facility: Floyd County Bridge No. 22-00051, Blackiston Mill Rd. over Silver Creek

Funding Source (mark all that apply): Federal  State  Local  Other\*

\*If other is selected, please identify the funding source:

### **PURPOSE AND NEED:**

*The need should describe the specific transportation problem or deficiency that the project will address. The purpose should describe the goal or objective of the project. The solution to the traffic problem should NOT be discussed in this section.*

**Need:** The need for this project is a result of the deteriorated condition of Structure No. 22-00051, NBI No. 2200050. Based on the *Bridge Inspection Report*, dated March 27, 2021, the bridge wearing surface and substructure have a condition rating of 4 (poor) out of 9 (excellent), the deck has a condition rating of 6 (satisfactory) out of 9, the superstructure has a condition rating of 7 (good) out of 9, and the channel has a condition rating of 5 (fair) out of 9. The bridge deck exhibits hairline cracks and efflorescence. The wearing surface exhibits cracks and holes in the pavement throughout. The substructure exhibits open joints between stones and erosion behind the northwest, northeast, and southwest wingwalls. The northwest approach to the bridge has a steep vertical profile grade and substandard horizontal curve. The bridge is narrow does not include pedestrian or bicycle accessibility (no protected or identified ped or bike lane). The bridge and approaches are considered structurally deficient and functionally obsolete. The southeast approach to the bridge is below the existing bridge structure; therefore, the area and bridge floods frequently due to backwater from the Ohio River, causing the road and bridge to be closed to traffic. (The latest flooding event occurred in February 2018 with the high water reaching an approximate elevation of 440 feet (ft.) Above Mean Sea Level (AMSL), with the roadway low point elevation at 433 ft. AMSL.) The excerpt of the Inspection Report is located in Appendix I, pages I-1 to I-14.

**Purpose:** The purpose of the project is to provide safe connectivity for pedestrian access, provide increased accessibility for vehicular, bicycle and pedestrian traffic on Blackiston Mill Rd. and bridge, address the flooding of the southeast approach to the bridge, and to provide a structure with a rating of 8 (very good) or better.

### **PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):**

County: Floyd and Clark Municipality: Jeffersonville and New Albany

Limits of Proposed Work: The western terminus is approximately 0.20 mile east of Charlestown Rd., and the eastern terminus is approximately 1,050 ft. southeast of the southern portion of Silver Creek, just northeast of Starlight Drive (Dr.)

Total Work Length: 0.3 Mile(s) Total Work Area: 11 Acre(s)

Is an Interstate Access Document (IAD)<sup>1</sup> required?

If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?

<sup>1</sup>If an IAD is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IAD.

Yes <sup>1</sup>	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: _____	

*Describe location of project including township, range, city, county, roads, etc. Existing conditions should include current conditions, current deficiencies, roadway description, surrounding features, etc. Preferred alternative should include the scope of work, anticipated impacts, and how the project will meet the Purpose and Need. Logical termini and independent utility also need discussed.*

This is page 3 of 35 Project name: Blackiston Mill Rd., Bridge No. 22-0051 Date: September 11, 2023

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Floyd County Commissioners, with partial funding from the Federal Highway Administration (FHWA), intends to proceed with a bridge project, Bridge No. 22-00051, NBI No. 2200050 that carries Blackiston Mill Rd. over Silver Creek.

**Location:** The proposed undertaking is located approximately 0.20 mile east of Charlestown Rd. in New Albany, Floyd County and Jeffersonville, Clark County, Indiana (Appendix B, page B-1). The project area is within the New Albany-Clarksville-Jeffersonville urban area boundary and thus is within the Kentuckiana Regional Planning and Development Agency's boundary (KIPDA). Specifically, the project is located in Section 63, Township 2 South, Range 6 East as illustrated on the New Albany, Indiana 7.5-Minute United States Geological Survey (USGS) topographic quadrangles (Appendix B, page B-2).

The project area includes Blackiston Mill Rd. and the bridge that crosses Silver Creek. The western terminus is approximately 0.20 mile east of Charlestown Rd., and the eastern terminus is approximately 1,050 ft. southeast of the southern portion of Silver Creek, just northeast of Starlight Dr.

**Existing Conditions:** The existing structure has a precast concrete I-beam superstructure constructed in 1966 with a masonry substructure built in 1888. It is 176 ft. long with two spans. The original bridge at this location was an iron bridge built in 1888, replaced in 1920, and collapsed under the weight of concrete mixer truck in 1963 during bridge repairs. The current bridge reused the original 1888 bridge's masonry piers and abutments. It was reopened to traffic in December 1966. A rehabilitation project in 2009 repaired the joints, bridge railing and asphalt pavement. The roadway width from curb to curb is 21.9 ft. Guardrails are present; however, no sidewalks are provided in either direction.

Within the project limits, Blackiston Mill Rd. consists of an urban minor arterial roadway with three 11 ft. wide travel lanes and 2 ft. wide curb and gutter on each side, west of Blackiston Boulevard (Blvd.). Blackiston Mill Rd. transitions to a two-lane road east of Blackiston Blvd. with no shoulders and a steep vertical profile grade and substandard horizontal curve for the approach to the bridge. The southeast approach to the bridge is also a two-lane road with 11 ft. wide lanes and no shoulders. The roadway has existing guardrail connected to the bridge railing in all four corners of the bridge. A low-head dam is located in Silver Creek adjacent to the existing Blackiston Mill Bridge. Land use in the project area is commercial and residential.

**Preferred Alternative:** The preferred alternative will realign Blackiston Mill Rd., beginning just east of Blackiston Blvd. near Silverwood Court, by shifting the roadway to the north and curving to the southeast as it approaches a new bridge over Silver Creek. The proposed structure is a three-span bridge with spans of 66 ft. - 9 inches, 80 ft. and 66 ft. - 9 inches. The total length of the new bridge will be 215 ft. - 2 ¾ inches. The concrete deck will provide a clear roadway width of 26 ft. - 10 inches (two 12 ft. wide driving lanes and 1 ft. - 5 inch wide gutter). The concrete deck will be 8 inches thick. A 6-ft.-wide sidewalk with 10 inch wide bridge Railing will be provided on both sides of the bridge. The substructures are assumed to consist of a solid cantilever concrete abutment supported on a spread concrete footing on the north end of the bridge, two concrete wall piers supported on concrete spread footings, and a concrete integral end bent on steel H-piles on the south end of the bridge. Southeast of the new bridge, Blackiston Mill Rd. will continue to curve to the southeast until Walnut Grove Dr., at which point Blackiston Mill Rd. will return to its existing alignment. The roadway southeast of the bridge will be raised from its current low point elevation of 433 ft. AMSL to 442 ft. AMSL to meet the approximate 25-year flood elevation (Q25); this will reduce the frequency of flooding by backwater from the Ohio River. A 4.73 acre area of excavation located southeast of the crossing will provide flood storage and mitigation to compensate for the roadway grade rise and minimize downstream impacts. A deed restriction will be placed to protect this area/acreage from development.

The lane widths on Blackiston Mill Rd. for the 3-lane section from the beginning of the project to approximately 240 ft. northwest of the new bridge will be 11 ft. The three 11-ft. wide lanes will transition to two 12 ft. wide lanes for a distance of 135 ft., continuing to approximately 30 ft. southeast of the bridge. The lanes will then transition to 11 ft. wide and continue to approximately 270 ft. southeast of Walnut Grove Dr. The new roadway will provide a 6 ft. wide sidewalk adjacent to the back of the curb and gutter on each side of the road. The new alignment will transition into the existing alignment over a 290 ft. distance with 2 ft. earthen shoulders and no sidewalk. Existing curb and gutter will also be replaced. Silverwood Court will be realigned to improve sight distance at the intersection with the realigned Blackiston Mill Rd. The shift in the alignment of Silverwood Court will also provide left turn lanes on Blackiston Mill Rd. to Silverwood Court and a commercial drive where none currently exist. Approximately 200 ft. of Walnut Grove Dr. will be shifted to the northwest due to the higher elevation of Blackiston Mill Rd. The intersection of Blackiston Mill Rd. and Walnut Grove Dr. will be reconstructed to accommodate the new alignments. The commercial and residential drives southeast of the bridge will be reconstructed due to the new roadway elevation being raised above Q25. New stormwater pipes and inlets will be installed throughout the project area. The existing bridge and approximately 250 ft. of the north approach and 165 ft. of the south approach will be removed.

The low-head dam in Silver Creek will not be impacted by the project. A comment received from the Indiana Department of Natural Resources (IDNR) stated that the Indiana Division of Fish and Wildlife strongly recommends removing the dam. However, the

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Blackiston Mill Rd. and Bridge project does not include removal of the dam and the owners of the dam do not want the dam removed. Stage 3 design plans will incorporate updated scour measures and will have bridge footings designed for both low flow and high-water conditions.

Traffic will remain on Blackiston Mill Rd. during construction and will continue using the existing bridge as the proposed bridge and road approaches are being constructed. Once construction for the new structure and approaches are complete, Blackiston Mill Rd. will be closed. The closure to Blackiston Mill Rd. is estimated to be 45 days. The northern detour route is approximately 5.8 miles, and the southern detour route is approximately 6.4 miles in length. Refer to the Maintenance of Traffic (MOT) section in this document.

The preferred alternative will meet the purpose and need of the project by providing safe connectivity for pedestrian access, providing increased accessibility for vehicular, bicycle and pedestrian traffic on Blackiston Mill Rd. and bridge, address the flooding of the southeast approach to the bridge, and providing a structure with a rating of 8 (very good) or better. Local Public Agencies are interested in reducing the frequency Blackiston Mill Rd. is closed due to flooding. Blackiston Mill Rd. and bridge project can commence as a single and complete project that can be constructed independent of other projects in the area. No other vehicular bridges traverse Silver Creek within or adjacent to the project area. The closest bridges over Silver Creek are on I-265, over 2 miles from the project area, and on Providence Way / South Spur over three miles from the project area.

**Logical Termini/Independent Utility:** The preferred alternative has independent utility because it meets the purpose and need of the project without being connected to any other actions in the area. The preferred alternative has logical termini because it encompasses only the area necessary to improve the deficiencies along Blackiston Mill Rd. Bridge and roadway. Every effort to avoid, minimize, and/or mitigate project impacts will be made.

### OTHER ALTERNATIVES CONSIDERED:

*Provide a header for each alternative. Describe all discarded alternatives, including the No Build Alternative. Explain why each discarded alternative was not selected. Make sure to state how each alternative meets or does not meet the Purpose and Need and why.*

Based on the existing topography, roadway network and commercial development within the project limits, five preliminary alternatives were established for analysis in the corridor, including the No Build Alternative. Each build alternative includes the addition of a sidewalk on both sides of the road. Existing curb and gutter would be replaced to provide the necessary number of lanes needed. Alternative 2 is not included below as it is considered the Preferred Alternative. See Appendix B, page B-64 showing the alternatives.

**Alternative 1:** The alignment for Alternative 1 would follow existing Blackiston Mill Rd. from Charlestown Rd. to Blackiston Blvd. It would shift slightly to the north on new alignment and curves to the southeast with a less severe horizontal curve radius and flatter vertical profile than the existing road as it approaches the new bridge over Silver Creek. The new bridge would be located between the existing bridge and the existing dam on Silver Creek. The lane widths on Blackiston Mill Rd. would be reduced from 12 ft. to 11 ft. to provide a 6 ft. sidewalk adjacent to the back of the curb and gutter on each side of the road. Silverwood Court would be realigned to provide a skew angle of 70° or better to improve the drive sight distance. The drives on the south side of the road east of the bridge would be lengthened to the south due to the new road being raised to prevent flooding. Purpose and Need would be met with this alternative. Alternative 2 (Preferred Alternative) improves the horizontal and vertical alignment of Blackiston Mill Rd. better and was the most accepted alternative by the public and existing businesses. Therefore, Alternative 1 was discarded from further consideration.

**Alternative 3:** The alignment for Alternative 3 would follow existing Blackiston Blvd. from Charlestown Rd. to the end of the cul-de-sac on Blackiston Court. It would curve to the south on new alignment with a flatter horizontal curve radius than Alternative 2 as it approaches the new bridge over Silver Creek. The new bridge would be located approximately 135 ft. upstream of the existing dam on Silver Creek. Blackiston Blvd. and Blackiston Court would be widened to 3 lanes to accommodate the increased traffic volumes and provide a two-way left-turn lane (TWLTL) from Payne-Koehler Rd. and the bridge. The lane widths on Blackiston Blvd. and Blackiston Court would be reduced from 14 ft. to 11 ft. to provide a sidewalk on each side of the road without the need to acquire additional right-of-way (ROW). Silverwood Court would be raised in grade to connect to the elevated roadway. One relocation would be required for a residential property between Silverwood Court and Silver Creek. A new traffic signal would be required for this alternative at the intersection of Charlestown Rd. and Blackiston Blvd. This alternative does not meet Purpose and Need as the increased accessibility for vehicular, bicycle and pedestrian traffic on Blackiston Mill Rd. and bridge would not be met. Therefore, Alternative 3 was discarded from further consideration.

**Alternative 4:** The alignment for Alternative 4 would follow the existing commercial (Kroger) drive opposite Mt. Tabor Rd. from Charlestown Rd. to the 90° turn in the drive. It would extend southeast, crossing the creek with a new bridge, and then meandering back along the creek to align with Blackiston Mill Rd. A retaining wall would have to be constructed along Slate Run to support the

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new approach at the Kroger Dr. as it comes into the new bridge. This alternative does not meet Purpose and Need for increased accessibility for vehicular, bicycle and pedestrian traffic on Blackiston Mill Rd. and bridge. This alignment would not have the direct connection to the hospital, the SSA and shopping along Blackiston Mill Rd. and does not have the support of the local government, businesses, or public. Therefore, Alternative 4 was discarded from further consideration.

**No Build Alternative:** The No Build Alternative was considered for this project. It was decided that this alternative would not improve the bridge or roadway and would eventually lead to closure of the bridge which would result in an increase in congestion on local roadways and increased travel time for residents and businesses. This alternative does not meet the stated Purpose and Need to provide safe connectivity for pedestrian access, increase access for the vehicular, bicycle and pedestrian traffic on Blackiston Mill Rd. and bridge, address the flooding of the southeast approach to the bridge, and to provide a structure with a rating of 8 (very good) or better for the project area and was discarded from further consideration.

**The No Build Alternative is not feasible, prudent or practicable because (Mark all that apply)**

- It would not correct existing capacity deficiencies;
- It would not correct existing safety hazards;
- It would not correct the existing roadway geometric deficiencies;
- It would not correct existing deteriorated conditions and maintenance problems; or
- It would result in serious impacts to the motoring public and general welfare of the economy.
- Other (Describe):

**ROADWAY CHARACTER:**

*If the proposed action includes multiple roadways, complete and duplicate for each roadway.*

Name of Roadway: Blackiston Mill Rd.  
 Functional Classification: Minor Arterial  
 Current ADT: 14,132 VPD (2016) Design Year ADT: 16,335 VPD (2042)  
 Design Hour Volume (DHV): 1,272 Truck Percentage (%): 7% AADT  
 Designed Speed (mph): 30 mph Legal Speed (mph): 30 mph

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	travel	travel
Pavement Width:	11 ft.	12 ft.
Shoulder Width:	0-2 ft.	2 ft.
Median Width:	n/a ft.	n/a ft.
Sidewalk Width:	n/a ft.	6 ft.

Setting:  Urban  Suburban  Rural  
 Topography:  Level  Rolling  Hilly

**BRIDGES AND/OR SMALL STRUCTURE(S):**

*If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.*

Structure/NBI Number(s): Floyd County Bridge No. 22-00051 / NBI No. 2200050 Sufficiency Rating: 44.9, 03/27/21 Bridge Inspection Report  
 (Rating, Source of Information)

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	Existing		Proposed
Bridge/Structure Type:	Pre-cast concrete I-Beam		Three-span with concrete deck
Number of Spans:	2		3
Weight Restrictions:	n/a	ton	n/a
Height Restrictions:	n/a	ft.	n/a
Curb to Curb Width:	21.9	ft.	27
Outside to Outside Width:	24.1	ft.	30
Shoulder Width:	0	ft.	2

*Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.*

The existing two span 176-ft. long structure (Structure No. 22-00051, NBI No. 2200050) is a pre-stressed concrete stringer/multi beam or girder bridge, which was constructed in 1920, reconstructed in 1966, and rehabilitated in 2009. The bridge width is 21.9 ft. Based on the *Bridge Inspection Report*, dated March 27, 2021, the bridge wearing surface and substructure have a condition rating of 4 out of 9, the deck has a condition rating of 6 out of 9, the superstructure has a condition rating of 7 out of 9, and the channel has a condition rating of 5 out of 9. The bridge deck exhibits hairline cracks and efflorescence. The wearing surface exhibits cracks and holes in the pavement throughout. The substructure exhibits open joints between stones and erosion behind the northwest, northeast, and southwest wingwalls. The excerpt of the report is located in Appendix I, pages I-1 to I-14. The bridge will remain open during construction until construction of tie-ins are needed. The existing bridge will be demolished once construction of the new structure and roadway is complete and open to the public.

The proposed structure will be a three-span bridge with spans of 66 ft. - 9 inches, 80 ft., and 66 ft. - 9 inches. The total length of the new bridge will be 215 ft. - 2 ¾ inches. The concrete deck will provide a clear roadway width of 26 ft. - 10 inches (two 12 ft. wide driving lanes and 1 ft. - 5 inch wide gutter). The concrete deck will be 8 inches thick. A 6 ft. wide sidewalk with 10 inch wide bridge Railing will be provided on both sides of the bridge. The substructures will consist of a solid cantilever concrete abutment supported on a spread concrete footing on the north end of the bridge, two concrete wall piers supported on concrete spread footings, and a concrete integral end bent on steel H-piles on the south end of the bridge. The bridge will be constructed east of the existing bridge.

Metric Environmental researched previous cultural resource investigations in the project area with reviews of various local, state, and federal reports and websites. As a result of identification and evaluation efforts for this project, the Blackiston Mill Rd. Bridge has lost much of its integrity and was not recommended eligible for National Register of Historic Places (NRHP) listing.

No other bridges, small structures, or pipes will be impacted during this project.

### MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure? (describe below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project require a sidewalk, curb ramp, and/or bicycle lane closure? (describe below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provisions will be made for access by pedestrians and/or bicyclist and so posted (describe below).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discuss closures, detours, and/or facilities (if any) that will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources and wetlands. Discuss any pedestrian/bicycle closures. Any local concerns about access and traffic flow should be detailed as well.*

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The MOT for the project will initially continue to use the existing bridge crossing and roadway network. Traffic will remain on Blackiston Mill Rd. and continue to use the bridge as the proposed bridge and road approaches are being constructed. Once the new bridge and other roadway improvements have been constructed, the existing bridge and roadways will be closed to all traffic and a detour will be in effect to construct the tie ins, anticipated at 45 days. Traffic will be required to use a detour route that will be marked with appropriate construction and detour signs. The northern route is approximately 5.8 miles, and the southern route is approximately 6.4 miles in length.

The detour route will use the following roadway network:

Blackiston Mill Rd., Potters Lane, Greentree North, Veterans Parkway, I-65, I-265, Charlestown Rd., Slate Run Rd., Silver Street, Brown Station Way, and back onto Blackiston Mill Rd., for a total of approximately 12.2 miles roundtrip. The closure to construct the tie-ins is estimated to last about 45 days, please see Appendix B, page B-40.

No pedestrian or bicycle detour is anticipated because the current bridge has no specific pedestrian or bicycle identified access.

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 and delays will cease upon project completion.

### ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 505,525 (2020) Right-of-Way: \$ 1,500,000 (2024) Construction: \$ 4,608,183 (2025)

Anticipated Start Date of Construction: September 2025

### RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	10.52	0.42
Commercial	0	0
Agricultural	0	0
Forest	0	0
Wetlands	0	0
Other:	0	0
Other:	0	0
TOTAL	10.52	0.42

*Describe both Permanent and Temporary right-of-way and describe their current use. Typical and Maximum right-of-way widths (existing and proposed) should also be discussed. Any advance acquisition, reacquisition or easements, either known or suspected, and their impacts on the environmental analysis should be discussed.*

The existing ROW on Blackiston Mill Rd. varies throughout the project area from a width of 35 ft. at the western terminus to a width of approximately 24 ft. across Silver Creek and 24 ft. at the eastern terminus. Surrounding ROW includes Blackiston Mill Rd., other local roadways including Blackiston Blvd, Walnut Grove Rd., Starlight Dr. and Silverwood Court, and commercial and residential properties, with parking lots, grassy yards, and driveways.

The project will require approximately 10.52 acres of permanent ROW from residential properties and two public streets that are unrecorded plats, to realign Blackiston Mill Rd. and complete project construction. Approximately 0.42 acres of temporary ROW will be required for driveway reconstruction, lawn grading, and road and bridge removal. Acquisition of permanent and temporary ROW will be required from 24 parcels. Three residential buildings, all rental properties, located on one parcel will be displaced by the project. One residential building is an apartment building housing five families (ten people) and two other buildings on the property, a log cabin and a trailer, house two individuals separately for a total of twelve individuals or seven family units. According to the property owner, the tenants living and renting units on the property know about the upcoming project and impact to the property / buildings. At this time, the property owner stated that rental agreements with the tenants are month to month.



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The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as amended. Relocation resources are available to all residential owners and tenants without discrimination, fair housing is open to all persons regardless of race, color, religion, sex, or national origin. No person displaced by this project will be required to move from a displaced dwelling unless replacement housing is available to that person that is comparable, decent, safe and sanitary. See additional information concerning **Relocations of People, Businesses and Farms**, on page 30 of this EA.

If the scope of work or permanent or temporary ROW amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately.

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### Part III – Identification and Evaluation of Impacts of the Proposed Action

#### **SECTION A - EARLY COORDINATION:**

List the date(s) coordination was sent and all resource 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.

Early coordination letters were sent on January 29, 2021, Appendix C, pages C-1 to C-7.

Agency	Date Sent	Date Response Received	Appendix C
FHWA, Seymour District	January 29, 2021	No response received	n/a
Indiana Geological & Water Survey (IGWS)	January 29, 2021	January 29, 2021	C-8 to C-10
Indiana Department of Natural Resources (IDNR – DFW)	January 29, 2021	February 26, 2021	C-11 to C-13
National Park Service (NPS)	January 29, 2021	No response received	n/a
Indiana Department of Environmental Management Wellhead Protection Proximity (IDEM – WPP)	January 29, 2021	January 29, 2021	C-46
US Department of Housing and Urban Development (HUD)	January 29, 2021	No response received	n/a
INDOT, Seymour District	January 29, 2021	No response received	n/a
US Fish and Wildlife Service (USFWS)	January 29, 2021	February 25, 2021	C-14 to C-15
INDOT, Office of Aviation	January 29, 2021	January 29, 2021	C-43
Natural Resources Conservation Service (NRCS)	January 29, 2021	February 18, 2021	C-45
US Army Corps of Engineers (USACE)	January 29, 2021	No response received	n/a
KIPDA	January 29, 2021	No response received	n/a
Floyd County – County Council	January 29, 2021	No response received	n/a
Clark County – County Council	January 29, 2021	No response received	n/a
City of New Albany, IN	January 29, 2021	February 5, 2021	C-44
Clark County Commissioner President	January 29, 2021	No response received	n/a
Floyd County Surveyor	January 29, 2021	No response received	n/a
Clark County Surveyor	January 29, 2021	No response received	n/a
Floyd County Highway Dept.	January 29, 2021	No response received	n/a
Clark County Highway Dept.	January 29, 2021	No response received	n/a
Floyd County Emergency Management	January 29, 2021	No response received	n/a
Clark County Emergency Management	January 29, 2021	No response received	n/a
City of New Albany Mayor	January 29, 2021	No response received	n/a
Town of Clarksville Town President	January 29, 2021	No response received	n/a
New Hope Baptist Church	January 29, 2021	No response received	n/a
Southern Indiana Rehab Hospital	January 29, 2021	No response received	n/a
Clarksville MS4 Coordinator	January 29, 2021	No response received	n/a
New Albany MS4 Coordinator	January 29, 2021	No response received	n/a

All applicable recommendations are included in the Environmental Commitments section of this EA document.

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**SECTION B – ECOLOGICAL RESOURCES:**

**Streams, Rivers, Watercourses & Other Jurisdictional Features**

- Federal Wild and Scenic Rivers
- State Natural, Scenic or Recreational Rivers
- Nationwide Rivers Inventory (NRI) listed
- Outstanding Rivers List for Indiana
- Navigable Waterways

Presence

X

Impacts

Yes	No
X	

Total stream(s) in project area: 899 Linear feet      Total impacted stream(s): 350 Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e. location, flow direction, likely Water of the US, appendix reference)
Silver Creek	Perennial	337	140	Flows east to west through the north central portion of the project area, likely jurisdictional Water of the US, Appendix F, pages F-12 and F-20
UNT 1 to Silver Creek East	Ephemeral	215	15	Flows north to south from north of Silver Creek, likely jurisdictional Water of the US, Appendix F, pages F-13 and F-20
UNT 2 to Silver Creek West	Ephemeral	347	195	Flows southeast from north of Silver Creek, likely jurisdictional Water of the US, Appendix F, pages F-13 and F-20

*Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal or state lists for Indiana. Include if features are likely subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.*

Based on the desktop review, the aerial map of the project area, and the Red Flag Investigation (RFI) report (Appendix E, pages E-3 and E-9) there are 11 streams, rivers, watercourses or other jurisdictional features within the 0.5 mile search radius. There are three streams, rivers, watercourses, or other jurisdictional features within or adjacent to the project area. That number was confirmed by the site visits conducted on May 14, 2020 and May 11, 2021 by Metric Environmental.

A Waters of the US Determination / Wetland Delineation Report was completed for the project on June 4, 2021. Please refer to Appendix F, pages F-1 to F-50 for the Waters of the US Determination / Wetland Delineation Report. It was determined the three streams identified within the Project Study Limits (PSL) would likely be considered jurisdictional waters of the US. The US Army Corps of Engineers (USACE) makes all final determinations regarding jurisdiction.

Silver Creek flows from east to west and is approximately 337 linear ft. (1.044 ac.) long within the PSL. Silver Creek flows into the Ohio River, a Section 10 Traditional Navigable Waterway (TNW). Therefore, Silver Creek should likely be considered a jurisdictional Water of the U.S. The stream is associated with a solid blue line on the USGS topographic map, indicating it has perennial flow. This stream was associated with a National Wetlands Inventory (NWI) polygon, and was classified as a Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded (R2UBH) stream. The Ordinary High Water Mark (OHWM) was 135 ft. wide and 4.8 ft. deep within the PSL. The stream substrate consisted of cobble, gravel, bedrock, silt, and artificial substrate, with gravel and silt being predominant. In-stream cover consisted of undercut banks, overhanging vegetation, shallows, pools, rootwads, oxbows, aquatic macrophytes, and logs/woody debris. Sinuosity was low, development was fair, and there was moderate stability. The water velocity was fast with a moderate gradient. Functional riffles and pools were observed. Fish, crayfish, and dead mussels were observed in the stream. According to the USGS Indiana StreamStats, the drainage area upstream of Silver Creek at the PSL is 212 square miles. This stream had a Qualitative Habitat Evaluation Index (QHEI) score of 62.5, which classifies it as good (Appendix F, pages F-37 to F-38).

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Unnamed Tributary (UNT) 1 to Silver Creek flows from north to south and is approximately 215 linear ft. (0.019 ac.) within the PSL. UNT 1 to Silver Creek flows into Silver Creek, a likely jurisdictional Water of the U.S. Therefore, UNT 1 to Silver Creek should likely be considered a jurisdictional Water of the U.S. The stream is not associated with a line on the USGS topographic map, indicating it is an ephemeral stream. UNT 1 to Silver Creek was not classified by the NWI, but it can be classified as Riverine, Ephemeral stream, Corps designation R6. The OHWM was 47 inches wide and 2.3 in. deep within the PSL. The stream substrate consisted of boulder slabs, bedrock, cobble, gravel, and silt, with bedrock and silt being predominant. The stream had moderate sinuosity and a moderate to severe gradient. No aquatic organisms were found in the stream. The floodplain consisted of mature forest on both sides of the stream. The water in stream was discolored and appeared orange in color. The source of the discoloration was outside the PSL and currently unknown. Since the stream was not mapped on USGS Indiana StreamStats, the drainage area upstream of the PSL is assumed to be less than 1 square mile. This stream had an HHEI score of 70, which classifies it as a Modified Class II Primary Headwater Habitat (PHWH) (Appendix F, pages F-39 to F-40).

UNT 2 to Silver Creek flows southeast from Culvert (CV) 6 and is approximately 347 linear ft. (0.017 ac.) long within the PSL. UNT 2 to Silver Creek flows into Silver Creek, a likely jurisdictional Water of the U.S. Therefore, UNT 2 to Silver Creek should likely be considered a jurisdictional Water of the U.S. The stream is not associated with a line on the USGS topographic map, indicating it is an ephemeral stream. UNT 2 to Silver Creek was not classified by the NWI, but it can be classified as Riverine, Ephemeral stream, Corps designation R6. The OHWM was 26 inches wide and 1 inch deep within the PSL. The stream substrate consisted of cobble, gravel, silt, and artificial substrate, with gravel and silt predominant. The stream channel had high sinuosity and a moderate to severe gradient. No aquatic organisms were found in the stream. Since the stream was not mapped on USGS Indiana StreamStats, the drainage area upstream of UNT 2 to Silver Creek is assumed to be less than 1 square mile. This stream had an HHEI score of 41, which classifies it as a Modified Class II PHWH (Appendix F, pages F-41 to F-42).

**Silver Creek:** (Proposed permanent impacts below the OHWM, Appendix B, page B-60.)

- Placement of two new bridge piers
- Removal of the existing pier and two end bents

**Silver Creek:** (Proposed temporary impacts below the OHWM, Appendix B, page B-61.)

- Two causeways at the new bridge
- Two cofferdams at the new bridge
- One causeway at the existing bridge.

**UNT 2:** (Proposed permanent impacts below the OHWM, Appendix B, page B-60.)

- Relocation of UNT2.

**UNT 1:** (Proposed permanent impacts below the OHWM, Appendix B, page B-56 and B-60.)

- Construction and realignment.

Stream mitigation will likely be required and will be determined during permitting.

The project will likely require an IDEM Section 401 Water Quality Certification permit and an USACE Section 404 permit for the stream impacts. The project will require a construction in a floodway (CIF) permit pursuant to the Flood Control Act (IC 14-28-1). Also, an IDEM Construction Stormwater General Permit (CSGP) will also likely be required due to the disturbance of more than one acre of land.

The IDNR-DFW responded on February 26, 2021 with recommendations regarding structure work, bank stabilization, minimizing in-channel disturbance, and erosion/sediment control devices (Appendix C, pages C-11 to C-13).

USFWS responded on February 25, 2021 indicating that stream impacts may require permits from the USACE, IDEM, and IDNR. Additional USFWS recommendations include restrict below low-water work in streams, restrict channel work to the minimum necessary for installation of the stream crossing structure, if riprap is used, extend it below low-water elevation to provide aquatic habitat, and avoid all work within the inundated part of the stream channel April 1 through June 30 (Appendix C- pages C-14 to C-15).

All applicable recommendations are included in the Environmental Commitments section of this document.

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Open Water Feature(s)	Presence	Impacts	
		Yes	No
Reservoirs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lakes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Farm Ponds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retention/Detention Basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm Water Management Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <u>Low-Head Dam</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Describe all open water feature(s) identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are likely subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix E, page E-3 and E-9) there are 10 open water features within the 0.5 mile search radius. There are no open water feature(s) within or adjacent to the project area. That number was confirmed by the site visits conducted on May 14, 2020 and May 11, 2021 by Metric Environmental.

A low-head dam exists in the project area in Silver Creek. No impacts to the dam are anticipated by the project and the project will not remove the dam.

A *Waters of the US Determination / Wetland Delineation Report* was completed for the project on June 4, 2021. Please refer to Appendix F for the *Waters of the US Determination / Wetland Delineation Report*. It was determined that no jurisdictional open water features are present within the project area. However, it was determined the three streams identified within the Project Study Limits (PSL) would likely be considered jurisdictional waters of the US. The USACE makes all final determinations regarding jurisdiction.

The IDNR-DFW responded on February 26, 2021 with recommendations regarding erosion/sediment control devices (Appendix C, pages C-11 to C-13).

All applicable recommendations are included in the Environmental Commitments section of this EA document.

Wetlands	Presence	Impacts	
		Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Total wetland area: 0.011 Acre(s) Total wetland area impacted: 0 Acre(s)

(If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e. location, likely Water of the US, appendix reference)
A	PSS1A	0.011	0	Adjacent to commercial and residential properties and Silverwood Court, Water of the State (Appendix F, pages F-20 and F-22).

Wetlands (Mark all that apply)	Documentation	ESD Approval Dates
	Wetland Determination	<input checked="" type="checkbox"/>
Wetland Delineation	<input checked="" type="checkbox"/>	N/A
USACE Isolated Waters Determination	<input checked="" type="checkbox"/>	N/A

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**Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in** (Mark all that apply and explain):

- Substantial adverse impacts to adjacent homes, business or other improved properties;
- Substantially increased project costs;
- Unique engineering, traffic, maintenance, or safety problems;
- Substantial adverse social, economic, or environmental impacts, or
- The project not meeting the identified needs.


*Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are likely subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.*

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix E, pages E-3 and E-9) there are 24 NWI wetlands located within the 0.5 mile search radius. There is one wetland within or adjacent to the project area. That number was confirmed by the site visits on May 14, 2020 and May 11, 2021 by Metric Environmental. No impacts are expected to the wetland resource based on the project engineering design in relation to the location of the wetland.

A *Waters of the US Determination / Wetland Delineation Report* was completed for the project on June 4, 2021. Please refer to Appendix F for the *Waters of the US Determination / Wetland Delineation Report*. It was determined that Wetland A should be considered an isolated wetland and thus a Waters of the State. The USACE makes all final determinations regarding jurisdiction.

Wetland A was classified as a Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Temporarily Flooded (PSS1A) wetland. This wetland was located in a depression north of the intersection of Blackiston Mill Rd. and Silverwood Court. Wetland A was 0.011 acre and wholly contained within the PSL. The boundaries of Wetland A were delineated by a lack of wetland vegetation and increased elevation. The wetland likely receives drainage on a consistent basis during rain events. This wetland was not associated with a mapped NWI unit and was wholly contained within the Urban land-Udarents fragipan substratum, complex, till plain (UngB) mapped soil unit which is listed as not hydric. Based upon that and that the wetland was not abutting a jurisdictional Water of the U.S., Wetland A should be considered an isolated wetland and thus a Waters of the State. Wetland A is located adjacent to a commercial property, residential property, and road, and likely receives run-off from these sources. In addition, the wetland exhibited low plant species diversity. These factors contribute to the conclusion that this wetland does not support significant wildlife or aquatic habitat, and therefore should be considered to be of poor quality. Wetland A is located outside of the construction limits; therefore, no impacts to Wetland A are anticipated. Wetland A will be labeled on the engineering plans and in the field as "Do Not Disturb" (Appendix B, page B-55).

The IDNR-DFW responded on February 26, 2021 with recommendations to implement appropriate erosion and sediment control devices and not to excavate or place fill in any riparian wetland (Appendix C, pages C-11 to C-13).

USFWS responded on February 25, 2021 indicating that wetland impacts may require permits from the USACE and IDEM (Appendix C- pages C-14 to C-15).

All applicable recommendations are included in the Environmental Commitments section of this EA document.

Terrestrial Habitat	<u>Presence</u>	<u>Impacts</u>	
	Yes	Yes	NO
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total terrestrial habitat in project area: 8.0 Acre(s) Total tree clearing: 1.8 Acre(s)

*Describe types of terrestrial habitat (i.e. forested, grassland, farmland, lawn, etc) adjacent or within the project area. Include whether or not impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.*

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Based on the desktop review, site visits conducted by Metric Environmental on May 14, 2020, and May 11, 2021, the aerial map of the project area (Appendix B, page B-3), the predominant land use in the project area consists of wooded floodplain and maintained lawns. The dominant vegetation along the project roadway consists of red fescue (*Festuca rubra*), blue violet (*Viola sororia*), frost aster (*Symphyotrichum pilosum*) and Kentucky bluegrass (*Poa pratensis*).

Approximately 8.0 acres of terrestrial habitat will be impacted, of which approximately 1.8 acres are trees, to construct the new road alignment to the new bridge, grading, and compensatory storage. All efforts to minimize terrestrial impacts were considered during the design phase of the project. The construction limits have been reduced to the extent that is practical to build the project while limiting terrestrial disturbance. Refer to Appendix B, pages B-55 to B-59 and B-65 for terrestrial impacts. The tree species to be removed are American elm (*Ulmus americana*), sugar maple (*Acer saccharum*) red oak (*Quercus rubra*), American beech (*Fagus grandifolia*), Silver maple (*Acer saccharinum*), Green ash (*Fraxinus pennsylvanica*), Pignut hickory (*Carya glabra*), American sycamore (*Platanus occidentalis*), black walnut (*Juglans nigra*), Boxelder maple (*Acer negundo*), Cottonwood (*Populus deltoides*), White mulberry (*Morus alba*), Ash species (*Fraxinus spp.*), Black cherry (*Prunus serotina*), Tulip poplar (*Liriodendron tulipifera*), Sweetgum (*Liquidambar styraciflua*), Shagbark hickory (*Carya ovata*), and Butternut hickory (*Carya cordiformis*). All disturbed areas will be stabilized, graded and re-seeded per INDOT standard specifications. Terrestrial habitat mitigation may be likely as a condition of the IDNR Construction in a Floodway permit. Terrestrial mitigation areas have been noted on Figure B-72.

The IDNR-DFW responded on February 26, 2021, with recommendations including a mitigation plan be developed for any unavoidable habitat impacts that will occur, replacement ratios, and types of trees and vegetation to be replanted (Appendix C, pages C-11 to C-13).

USFWS responded on February 25, 2021 with recommendations that all disturbed soil areas be revegetated immediately upon project completion, do not clear trees or understory vegetation outside the construction zone boundaries, and evaluate wildlife crossings under the bridge (Appendix C, pages C-14 to C-15).

All applicable recommendations are included in the Environmental Commitments section of this EA document.

### Protected Species

#### Federally Listed Bats

Information for Planning and Consultation (IPaC) determination key completed  
 Section 7 informal consultation completed (IPaC cannot be completed)  
 Section 7 formal consultation Biological Assessment (BA) required

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

Determination Received for Listed Bats from USFWS: NE  NLAA  LAA

#### Other Species not included in IPaC

Additional federal species found in project area (based on IPaC species list)  
 State species (not bird) found in project area (based upon consultation with IDNR)

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

#### Migratory Birds

Known usage or presence of birds (i.e. nests)  
 State bird species based upon coordination with IDNR

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

*Discuss IDNR coordination and species identified. Describe USFWS Section 7 consultation and determination received for Indiana bat and northern long-eared bat impacts. Discuss if other federally listed species were identified. If so, include consultation that has occurred and the determination that was received. Discuss if migratory birds have been observed and any impacts.*

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Based on a desktop review and the RFI report (Appendix E, page E-4), completed by Metric Environmental on November 8, 2021, the IDNR Floyd and Clark Counties Endangered, Threatened and Rare (ETR) Species List has been checked. According to the IDNR-DFW early coordination response letter dated February 26, 2021, (Appendix C, pages C-11 to C-13) the Natural Heritage Program's Database has been checked and no plant or animal species listed as state or federally endangered, threatened and/or rare have been reported to occur in the project vicinity. IDNR-DFW provided recommendations to avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. An INDOT 0.5 mile bat review occurred on May 12, 2020. The review did not indicate the presence of endangered bat species in or within 0.5 mile of the project area.

Project information was requested and an official species list was generated (Appendix C, pages C-16 to C-32). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally endangered northern long-eared bat (NLEB) (*Myotis septentrionalis*). Other species were generated in the species list along with the Indiana bat and NLEB. Refer to paragraph below.

The official species list generated indicated one other species present within the project area. The Gray bat (*Myotis grisescens*). The project qualifies for the most current INDOT/USFWS agreement. Further coordination is not needed with USFWS.

Based on planned tree clearing impacts beyond 300 ft. from the existing roadway or pavement, this project does not qualify for the *Rangewide Programmatic Informal Consultation for the Indiana bat and NLEB*.

Metric Environmental conducted an inspection of one 2-story apartment building (consisting of four families/tenants), one log cabin, and one warehouse/garage on May 17, 2023. No bats or signs of bats were observed. Bats were likely not within the structures at that time. The three buildings will be removed as a result of the project. Prior to any demolition, the structures will be inspected for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and USFWS before demolition may occur. If further coordination is needed no demolition shall occur until coordination is concluded with INDOT ESD and USFWS. The structures will be demolished and/or moved after September 30 and before April 1. External structure assessments are located on pages Appendix C, pages C-33 to C-36.

Metric Environmental conducted an inspection of the bridge on May 17, 2023. No evidence of bats was identified (Appendix C, page C-33). Construction is planned to start in 2024. USFWS Bridge/Structure Assessment are only valid for two years. If construction will begin after May 17, 2025, an inspection of the structure by a qualified individual, must be performed. Inspection of the structure should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately.

Blackiston Mill Rd. Bridge No. 22-0051 and the project's surrounding habitat is conducive for use (i.e. nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA). Prior to the start of nesting season (May 1) the structure must be inspected for birds or signs of birds. If birds or signs of birds are found during the inspection avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the "Potential Migratory Bird on Structure" USP/RSP.

A standard informal coordination letter was prepared and submitted for INDOT review. INDOT reviewed the standard informal coordination letter and submitted to USFWS for review on August 25, 2021. On August 26, 2021, USFWS issued a concurrence letter with the "not likely to adversely affect" finding (Appendix C, pages C-37 to C-42). The following commitments are proposed by INDOT as Avoidance and Minimization Measures (AMMs) to reduce potential impacts to listed bat species: General AMM 1 ensure all operators, employees, and contractors are aware of all transportation agencies environmental commitments; Lighting AMM 1 direct temporary lighting away from suitable habitat; Tree Removal AMM 1 Modify all phases of the project to the extent practicable to avoid tree removal in excess of what is necessary; Tree Removal AMM 2 Apply time of year restrictions for tree removal (October 1 - March 31; Tree Removal 3 ensure tree removal is limited to that specified in project plans; and Tree Removal 4 do not remove documented Indian bat or NLEB roosts, trees within 0.25 mile of roosts, or documented foraging habitat any time of year. USFWS also stated USFWS Bridge/Structure Assessments shall take place no earlier than two (2) years prior to the start of construction. If construction will begin after May 17, 2025, an inspection of the structure by a qualified individual, must be performed. Inspection of the structure should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager



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must be contacted immediately.

AMMs and/or commitments are included as firm commitments in the Environmental Commitments section of this document.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

**Geological and Mineral Resources**

- Project located within the Indiana Karst Region
- Karst features identified within or adjacent to the project area
- Oil/gas or exploration/abandoned wells identified in the project area

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

Date Karst Evaluation reviewed by INDOT EWPO (if applicable): \_\_\_\_\_

*Discuss if project is located in the Indiana Karst Region and if any karst features have been identified in the project area (from RFI). Discuss response received from IGWS coordination. Discuss if any mines, oil/gas, or exploration/abandoned wells were identified and if impacts will occur. Include discussion of karst study/report was completed and results. (Karst investigation must comply with the current Protection of Karst Features during Planning and Construction guidance and coordinated and reviewed by INDOT EWPO)*

Based on a desktop review and the Indiana Karst Region map, the project is located outside the designated Indiana Karst Region as outlined in the most current *Protection of Karst Features during Project Development and Construction*. According to the topo map of the project area (Appendix B, page B-2), the RFI report (Appendix E, pages E-3 and E-9), there are no karst features identified within or adjacent to the project area. In the early coordination response dated January 29, 2021, the IGWS did not indicate that karst features exist in the project area (Appendix C, page C-8 to C-10). The IGWS did identify geological hazards including a high liquefaction potential, floodway, a moderate potential for bedrock resources and a low potential for sand and gravel resources. No documented active or abandoned mineral resource extraction sites are within the search radius. The aforementioned geological features will not be affected because scope of work will not involve deep excavation (i.e., greater than 12-15 ft. below ground surface). Response from IGWS has been communicated with the designer on February 9, 2021. No impacts are expected.

**SECTION C – OTHER RESOURCES**

**Drinking Water Resources**

- Wellhead Protection Area(s)
- Source Water Protection Area(s)
- Water Well(s)
- Urbanized Area Boundary
- Public Water System(s)

<u>Presence</u>	<u>Impacts</u>	
	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- Is the project located in the St. Joseph Sole Source Aquifer (SSA):
- If Yes, is the FHWA/EPA SSA MOU Applicable?
- If Yes, is a Groundwater Assessment Required?

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

*Check the appropriate boxes and discuss each topic below. Provide details about impacts and summarize resource-specific coordination responses and any mitigation commitments. Reference responses in the Appendix.*

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The project is located in Clark and Floyd Counties which are not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/EPA/INDOT Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project, a detailed groundwater assessment is not needed, and no impacts are expected.

The Indiana Department of Environmental Management's (IDEM) Wellhead Proximity Determinator website <http://www.in.gov/idem/cleanwater/pages/wellhead/> was accessed on March 16, 2022 by Metric Environmental. This project is not located within a Wellhead Protection Area or Source Water Area. No impacts are expected.

The Indiana Department of Natural Resources Water Well Record Database website <https://www.in.gov/dnr/water/3595.htm> was accessed on March 16, 2022 by Metric Environmental. No wells are located near this project. Therefore, no impacts are expected.

Based on a desktop review of <https://entapps.indot.in.gov/MS4/> by Metric Environmental on February 1, 2021, this project is located in an Urban Area Boundary (UAB). An early coordination letter was sent on February 1, 2021 to the New Albany and the Clarksville MS4 Coordinators (Appendix C, Pages C-6 to C-7). Neither MS4 coordinator responded within the 30-day time frame. Coordination is ongoing with the local utilities and appropriate permits will be applied for as needed, including Erosion and Control permits.

Based on a desktop review, site visits on May 14, 2020 and May 11 2021, the aerial map of the project area (Appendix B, page B-3) and the project design plans (Appendix B, pages B-37 to B-62), this project is located where there is a public water system. The public water system will not be affected because the project does not include repair, removal, or replacement of the public water system. Therefore, no impacts are expected.

### Floodplains

Project located within a regulated floodplain  
 Longitudinal encroachment  
 Transverse encroachment  
 Homes located in floodplain within 1000' up/downstream from project

### Presence

X
X
X

### Impacts

Yes	No
X	
X	
X	

If applicable, indicate the Floodplain Level?

Level 1  Level 2  Level 3  Level 4  Level 5

*Use the IDNR Floodway Information Portal to help determine potential impacts. Include floodplain map in appendix. Discuss impacts according to the classification system. If encroachment on a flood plain will occur, coordinate with the Local Flood Plain Administrator during design to insure consistency with the local flood plain planning.*

Based on a desktop review of The Indiana Department of Natural Resources Indiana Floodway Information Portal website <https://indnr.maps.arcgis.com/apps/webappviewer/index.html?id=05026dabc2e8461983e196d56a213c1e> by Metric Environmental on July 8, 2022, and the RFI report, this project is located in a regulatory floodplain as determined from the approved IDNR floodplain maps (Appendix F, page F-17). An early coordination letter was sent on January 29, 2021, to the local Floodplain Administrator. The floodplain administrator did not respond within the 30-day time frame. This project qualifies under Category 4 per the current INDOT Manual (based on the change in elevation of the new bridge (from elevation 433 ft AMSL to approximately 442 ft AMSL) and removal of the existing structure), which states:

Category 4 - Two homes are located within the base floodplain within 1,000 ft. upstream and four homes are located within the base floodplain within 1,000 ft. downstream. The proposed structure will have an effective capacity such that backwater surface elevations are not expected to significantly increase. As a result, there will be no significant adverse impacts on natural and beneficial floodplain values; no significant change in flood risks; and no significant increase in potential for interruption or termination of emergency service or emergency evacuation routes. Therefore, it has been determined that this encroachment is not significant. (The residences next to and along Blackiston Mill Rd. and bridge may still experience flooding issues depending on the severity of the flooding from the backwater of the Ohio River. However, Blackiston Mill Rd. is expected to remain open during most flooding events for safety vehicles and the traveling public.) A hydraulic design study that addresses various structure size alternates was completed by Jacobi, Toombs, and Lanz, Inc. during the preliminary design phase. The summary of this study will be included with the Field Check Plans and is listed as a firm commitment of this document.

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Farmland	Presence	Impacts	
		Yes	No
Agricultural Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prime Farmland (per NRCS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total Points (from Section VII of CPA-106/AD-1006\*) \_\_\_\_\_

*\*If 160 or greater, see CE Manual for guidance.*

*Discuss existing farmland resources in the project area, impacts that will occur to farmland, and mitigation and minimization measures considered.*

Based on a desktop review, site visits on May 14, 2020 and May 11, 2021 by Metric Environmental, the aerial map of the project area (Appendix B, page B-3), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An early coordination letter was sent on January 29, 2021, to Natural Resources Conservation Services (NRCS). Response received from the NRCS on February 18, 2021 stated the project "will not cause a conversion of prime farmland" (Appendix C, page C-45).

### SECTION D – CULTURAL RESOURCES

Minor Projects PA  Category(ies) and Type(s) \_\_\_\_\_ INDOT Approval Date(s) \_\_\_\_\_ N/A

**Full 106 Effect Finding**

No Historic Properties Affected  No Adverse Effect  Adverse Effect

**Eligible and/or Listed Resources Present**

NRHP Building/Site/District(s)  Archaeology  NRHP Bridge(s)

**Documentation Prepared** (mark all that apply)

		ESD Approval Date(s)	SHPO Approval Date(s)
APE, Eligibility and Effect Determination	<input checked="" type="checkbox"/>	June 25, 2021	July 26, 2021
800.11 Documentation	<input checked="" type="checkbox"/>	April 20, 2022	May 10, 2022
Historic Properties Report or Short Report	<input checked="" type="checkbox"/>	June 25, 2021	July 26, 2021
Archaeological Records Check and Assessment	<input checked="" type="checkbox"/>	June 25, 2021	July 26, 2021
Archaeological Phase Ia Survey Report	<input checked="" type="checkbox"/>	October 4, 2021	November 1, 2021
Archaeological Phase Ib Work Plan	<input checked="" type="checkbox"/>	November 12, 2021	December 9, 2021
Other: Phase 1b Management Summary	<input checked="" type="checkbox"/>	February 10, 2022	March 9, 2022

Memorandum of Agreement (MOA)

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

*If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.*

**Area of Potential Effect (APE):** Qualified professionals working for Metric Environmental and meeting the Secretary of the Interior's Professional Qualifications Standards defined an Area of Potential Effects (APE). The APE is the geographical area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist, as defined by 36 CFR Section 800.16(d). The APE for this project expands and contracts based on viewshed. The APE extends approximately 500 ft. from each project end point on Blackiston Mill Rd., and approximately 500 to 600 ft. from each side of Blackiston Mill Rd. (Appendix D, page D-22).

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**Coordination with Consulting Parties:** Section 106 of the NHPA requires Federal agencies, or their representatives, to consider the effects of their undertakings on historic properties. In accordance with 36 CFR 800.2(c) and the INDOT *Cultural Resources Manual*, the potential consulting parties were invited to participate in efforts to identify historic properties potentially affected by this project, assess the project's effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. Potential consulting parties were invited via email to view the consulting party coordination letter and Section 106 documentation in IN SCOPE (Appendix D, D-62 to D-65, and D-68 to D-73). On January 21, 2021 and June 25, 2021, the below agencies and organizations were invited to be consulting parties for the project (Appendix D, pages D-66 to D-67).

INDOT Cultural Resources Officer (CRO) INDR State Historic Preservation Officer (SHPO), and FHWA are automatic consulting parties. On January 28, 2022, a representative from Indiana Landmarks Southern Regional Office, suggested the River Heritage Conservancy be invited to be a consulting party on this project (Appendix D, page D-74). Subsequently, the River Heritage Conservancy was added to the consulting party list on June 25, 2021. On February 1, 2021, the SHPO responded to the consulting party coordination letter dated January 21, 2021 (Appendix D, page D-75). The SHPO did not provide recommendations for consulting parties beyond those whom were invited. On February 17, 2021, the Miami Tribe of Oklahoma agreed to be a consulting party (Appendix D, page D-76). The Eastern Shawnee Tribe of Oklahoma responded on August 17, 2021 (Appendix D, page D-85) and February 14, 2021 (Appendix D, page D-100), and the Peoria Tribe of Indians of Oklahoma responded on February 25, 2022 (Appendix D, page D-101). The Tribes all requested contact if inadvertent discoveries of human remains or funeral objects were located. No items were discovered during the archaeological investigations.

	<i>Name</i>	<i>Organization</i>	<i>Reply Received</i>
1	Beth McCord	State Historic Preservation Office	<b>February 1, 2021</b>
2	Laura Renwick, Community Preservation Specialist	Indiana Landmarks Southern Regional Office	<b>Accepted – January 28, 2021</b>
3	Horacio Urieta, P.E.	Floyd County Engineer	No response
4	David Barksdale	Floyd Co Historian	No response
5	Teresa Perkins	Jeff-Clark Preservation, Inc.	No response
6	Jeanne Burke	Clark Co Historian	No response
7		Floyd County Historical Society	No response
8	Jarrett Haley	Kentuckiana Regional Planning and Development Agency	No response
9	Teresa Baxter	Develop New Albany, Inc.	No response
10	Scott Wood, Dir of Planning	New Albany Historic Preservation Commission	No response
11	Tim Kramer	Floyd County Commissioner	No response
12	Shawn Carruthers, President	Floyd County Commissioner	No response
13	John Schellenberger	Floyd County Commissioner	No response
14	Jack Coffman, President	Clark County Commissioner	No response
15	Ryan Ramsey	Town President, Town of Clarksville	No response
16	Jeff Gahan	Mayor, City of New Albany	No response
17	Wendy Dant Chesser	One Southern Indiana Chamber of Commerce	No response
18	Jane Sarles	Clarksville Historical Society	No response
19	Susan Rademacher, Exec Dir.	River Heritage Conservancy	<b>Accepted – February 10, 2022</b>
20		Eastern Shawnee Tribe of Oklahoma	<b>Accepted – August 17, 2021</b>

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21		Miami Tribe of Oklahoma	<b>Accepted – February 17, 2021</b>
22		Peoria Tribe of Indians of Oklahoma	<b>Accepted – February 25, 2022</b>
23		Pokagon Band of Potawatomi Indians	No response
24		Shawnee Tribe	No response
25		United Keetoowah Band of Cherokee Indians	No response
26		Delaware Tribe of Indians, Oklahoma	No response
27		Delaware Tribe of Indians	No response

**Archaeology:** Metric Environmental completed a Phase Ia archaeological survey March 15-17, 2021 that encompassed the entire 4.3 hectares (10.8 acres) of the project area and consisted of a combination of visual inspection and shovel probing. A total of 103 shovel test probes (STPs) were excavated and one historic archaeological site (12FL0219 / 12CL1100) recorded. Site 12CL1100 was added in the October 4, 2021 updated Archaeology Report. The site encompasses the remains of former Blackiston Mill, constructed in 1853 as a grist and sawmill with a lime kiln and then used as a recreation hall, and an associated recreational park area initially developed during the 1880s. Use of the site as a public gathering spot continued through the 1970s, when it ceased to be maintained.

Avoidance or a Phase Ib investigation to further evaluate the NRHP eligibility of 12FL0219 /12CL1100 is recommended. Archaeological work should focus on assessing site integrity, the presence/absence of intact stratigraphic artifact deposits, and presence/absence of additional subsurface features. No further archaeological work is recommended for the remainder of the survey area.

On June 25, 2021 INDOT CRO concurred with the evaluations and recommendations made within the Archaeological Phase 1a and the Archaeological Phase 1a was then submitted to the SHPO and the tribe consulting parties on June 25, 2021. On July 26, 2021, the SHPO indicated the northern portion of the site (12FL0219), within Floyd County, includes the mill, lime kiln, and a portion of the dam. The southern portion, within Clark County, includes the other portion of the dam and the recreational park. Given the two periods of significance (the industrial mill activities and later recreational activities) the SHPO agrees that the site should be kept as a single archaeological site, but it should be assigned a Clark County site number in addition to the Floyd County number. The SHPO also agreed that the site either needs to be avoided, particularly the mill and lime kiln remnants, or subjected to Phase 1b reconnaissance (Appendix D, page D-83 to D-84). This is included as a firm commitment.

On August 17, 2021, Eastern Shawnee responded to please continue the project as planned; however, should this project inadvertently discover an archaeological site or object(s) please contact the Eastern Shawnee Tribe, as well as the appropriate state agencies within 24 hours (Appendix D, page D-85).

On October 4, 2021, the updated Archaeological Phase 1a, which included a Clark County site number be added to the Blackiston Mill site was added by Metric Environmental. The report references the site as 12FL0219 and 12CL1100 and was sent to the SHPO for concurrence. (Appendix D, page D-86).

On November 1, 2021, the SHPO concurred the site 12FL0219/12CL1100 is potentially eligible for inclusion in the NRHP and that the site either needs to be avoided or subjected to a Phase 1b reconnaissance (Appendix D, pages D-87 to D-88). This is included as a firm commitment.

On November 10, 2021, Metric prepared an Archaeology Work Plan to conduct a Phase 1b intensive survey and Phase II testing at site 12FL0219/12CL1100 (Appendix D, pages D-54 to D-58). On November 12, 2021, Metric sent the Phase 1b-II Archaeological Work Plan to the SHPO for review and concurrence (Appendix D, page D-89). On December 9, 2021, the SHPO concurred with the work plan with the following conditions (Appendix D, pages D-90 to D-91):

1. All archaeological investigations must be directly supervised, in the field and in the laboratory at all times by a qualified archaeologist meeting the qualification standards for a principal investigator or field or laboratory supervisor under 312 IAC 21.
2. The Phase Ib/II archaeological investigations will conform to the procedures described in the Guidebook for Indiana Historic Sites and Structures Inventory—Archaeological Sites.
3. If any human remains dating before December 31, 1939 are encountered, the discovery must be reported to the IDNR within two (2)

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business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. In that event, please call (317) 232-1646. If human remains are accidentally discovered during field investigations or related laboratory analyses and would be subject to the Native American Graves Repatriation Act (NAGPRA), the investigating or curation facility shall assure NAGPRA reporting and compliance.

4. Written permission from all landowners must be provided to our office prior to the beginning of any fieldwork.
5. At the completion of the Phase Ib investigation, our office will be consulted to determine if Phase II investigations are necessary. The locations of proposed Phase II investigations will be provided at this time.
6. Any proposed revisions to the archaeological work plan must be submitted in writing to, and approved by, the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("Indiana DNRDHPA") prior to implementation in the field or laboratory.
7. A report detailing the methods, techniques, analysis, and results of the proposed archaeological investigations must be submitted to the Indiana DNR-DHPA for review and comment within one year of the end of fieldwork.
8. Archaeological site survey forms and/or resurvey forms for these Phase Ib/II archaeological investigations must be submitted electronically to the Indiana DNR-DHPA SHAARD database system.
9. This plan is not transferable.

The Phase Ib fieldwork was conducted December 14-16, 2021. The survey focused on the Floyd County portion of the site. A total of 6.5 square meters (m<sup>2</sup>) (69.9 square ft. [ft<sup>2</sup>]) was excavated, consisting of five 1.0 m (3.2 ft) by 1.0 m (3.2 ft) excavation units and one 3.0 m (9.8 ft) by 0.5 m (1.6 ft) hand-excavated trench. No evidence indicating the presence of cultural features was found, and all cultural materials encountered either dated to the modern era and/or were of dubious provenience with limited informational value. Based on the Phase Ib survey results, dated January 4, 2021 (Appendix D, pages D-59 to D-61), further investigations within the project's footprint/construction area are unlikely to provide additional meaningful knowledge concerning Site 12FL0219/12CL1100 or the history of the area.

On February 10, 2022, the Management Summary reporting the results of the Phase 1b archaeological investigation was mailed to the SHPO and made available to the other consulting parties at [http://erms.indot.in.gov/Section\\_106Documents/](http://erms.indot.in.gov/Section_106Documents/) (Appendix D, pages D-92 to D-97).

On February 10, 2022, a representative from the River Heritage Conservancy asked what date the 30 day review window would expire. Metric Environmental replied on March 11, 2022 (Appendix D, pages D-98 to D-99).

On February 14, 2022, Eastern Shawnee responded please continue project as planned; however, should this project inadvertently discover an archaeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies, within 24 hours (Appendix D, page D-100).

On February 25, 2022, the Peoria Tribe of Indians of Oklahoma responded they have no objection to the proposed project; however, if at any time items are discovered which fall under the protection of Native American Graves Protection and Repatriation Act (NAGPRA), the Peoria Tribe requests immediate notification and consultation (Appendix D, page D-101).

On March 9, 2022, the SHPO responded to Metric Environmental thank you for supplying the management summary report regarding Phase Ib investigations of site 12FL0219/CL1100. The archaeological investigations which have been conducted have met the stated goals of the approved work plan. Construction can proceed as planned for the Floyd County Bridge No. 22-00051 carrying Blackiston Mill Rd. project, with the following conditions:

1. Per our letter dated December 9, 2021, approving the Phase Ib/II investigations, a full report detailing the methods, techniques, analysis, and results of the proposed Phase Ib archaeological investigations must be submitted to the DHPA for review and comment within one year of the end of fieldwork. In addition, an archaeological site form for this level of investigation for site 12FL219/CL1100 will be entered into SHAARD at the same time as submission of the full draft report.
2. Also per the approved archaeological work plan, it was decided that our office would be consulted after the Phase Ib intensive survey to determine if Phase II investigations were necessary. Based on the results of the Phase Ib intensive survey, we do not believe that Phase II investigations for those portions of the site within the projects current footprint are required.

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3. The portions of site 12FL0219/CL1100 that lie outside the proposed project area should be clearly marked so that they are avoided by all ground-disturbing project activities. If avoidance is not feasible, then additional archaeological assessment of those portions of the site will be necessary. This is included as a firm commitment in this document.

4. If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and Indiana Code 14-21-29) requires that the discovery be reported to the INDNR-DHPA within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. Part 800. The SHPO correspondence is located in Appendix D, pages D-102 to D-103.

**Historic Properties:** Metric Environmental researched previous investigations in the project area with an examination of the *Floyd County Interim Report, Indiana Historic Sites and Structures Inventory (IHSSI)* (2008/Historic Landmarks Foundation of Indiana) and the *Clark County Interim Report, Indiana Historic Sites and Structures Inventory* (1988/Historic Landmarks Foundation of Indiana). No previously surveyed sites were identified within the proposed APE. This finding was corroborated with a check of the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges and Cemeteries Map (IHBBM). The NRHP and the Indiana State Register databases also had no listed sites in the proposed APE. As a result of identification and evaluation efforts for this project, a NRHP evaluation was conducted for former Blackiston Mill and Dam. As an above ground resource, this property has lost much of its integrity was not recommended eligible for NRHP listing.

Metric Environmental completed the Historic Property Report (HPR), dated June 25, 2021. On June 25, 2022, INDOT CRO concurred with the results of the HPR and the HPR was mailed to the SHPO and made available to the other consulting parties on that same day (Appendix D, pages D-77 to D-82). On July 26, 2021, the SHPO responded that the area of potential effects "APE" proposed in the HPR appears to be of adequate size to encompass the geographic area in which direct and indirect effects of a project of this nature could occur. The SHPO also agreed that there are no above-ground resources listed or eligible for inclusion in the NRHP within the projects APE. They also agree that the Blackiston Mill and Dam as an above-ground resource has lost much of its integrity warranting eligibility for the NRHP under Criterion A, B, or C (Appendix D, pages D-83 to D-84).

**Documentation Findings:** On April 20, 2022, the INDOT CRO, on behalf of the FHWA, approved the 800.11 Documentation and issued a "No Adverse Effect" finding for this project. Following this finding, the effect documentation was provided to the SHPO and other consulting parties for a 30-day review and comment period on April 21, 2022 (Appendix D, pages D-3 to D-6). The SHPO responded with their concurrence regarding "No Adverse Effect" finding on May 10, 2022 (Appendix D, pages D-1 to D-2).

**Public Involvement:** In accordance with 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4), the views of the public were sought regarding the effect of the project (Appendix D, pages D-104 to D-105). An announcement was published in the NEWS AND TRIBUNE on April 23, 2022. A deadline date of May 23, 2022 was established to provide comments on the "No Adverse Effect" finding. As no comments were received regarding the "No Adverse Effect" finding during the 30-day comment period, the responsibilities of the FHWA under Section 106 were fulfilled.

This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

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

	<u>Presence</u>	<u>Use</u>	
		Yes	No
<b>Parks and Other Recreational Land</b>			
Publicly owned park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wildlife and Waterfowl Refuges</b>			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Historic Properties</b>			
Site eligible and/or listed on the NRHP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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### Evaluations Prepared

Programmatic Section 4(f)	<input type="checkbox"/>
"De minimis" Impact	<input type="checkbox"/>
Individual Section 4(f)	<input type="checkbox"/>
Any exception included in 23 CFR 774.13	<input type="checkbox"/>

*Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the discussion below. Individual Section 4(f) documentation must be included in the appendix and summarized below. Discuss proposed alternatives that satisfy the requirements of Section 4(f). FHWA has identified various exceptions to the requirement for Section 4(f) approval. Refer to 23 CFR § 774.13 - Exceptions.*

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, the aerial map of the project area (Appendix B, page B-3), and the RFI report (Appendix E, pages E-2 and E-8) there are two potential 4(f) resources located within the 0.5-mile search radius. According to the site visits on May 14, 2020 and May 11, 2021 by Metric Environmental, there are no Section 4(f) resources within or adjacent to the project area. Therefore, no use is expected.

**Section 6(f) Involvement**

**Presence**

**Use**

**Yes**

**No**

**Section 6(f) Property**




*Discuss Section 6(f) resources present or not present. Discuss if any conversion would occur as a result of this project. If conversion will occur, discuss the conversion approval.*

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 INDOT ESD website revealed twelve properties in Clark County and three properties in Floyd County (Appendix I, page I-15). The closest is Lapping Memorial Park, approximately 0.75 miles from the project area. None of these properties are located within or adjacent to the project areas. Therefore, there will be no impacts to 6(f) resources as a result of the project.

## SECTION F – Air Quality

**STIP/TIP and Conformity Status of the Project**

- Is the project in the most current STIP/TIP?
- Is the project located in an MPO Area?
- Is the project in an air quality non-attainment or maintenance area?
- If Yes, then:
  - Is the project in the most current MPO TIP?
  - Is the project exempt from conformity?
- If No, then:
  - Is the project in the Transportation Plan (TP)?
  - Is a hot spot analysis required (CO/PM)?

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

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[https://www.in.gov/indot/files/Pages-from-STIP\\_2022-2026\\_draft\\_pp0541-605-1.pdf](https://www.in.gov/indot/files/Pages-from-STIP_2022-2026_draft_pp0541-605-1.pdf)

Location in STIP:



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Name of MPO (if applicable): Kentuckiana Regional Planning and Development Agency (KIPDA)

Location in TIP (if applicable): Louisville /Jefferson County KY-IN FY 2020-2025 Transportation Improvement Plan, pages 152-153

Level of MSAT Analysis required?

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

*Describe if the project is listed in the STIP and if it is in a TIP. Describe the attainment status of the county(ies) where the project is located. Indicate whether the project is exempt from a conformity determination. If the project is not exempt, include information about the TP and TIP. Describe if a hot spot analysis is required and the MSAT Level.*

This project is included in the FY 2020-2025 KIPDA Transportation Improvement Program (TIP) which has been directly incorporated into the FY 2022-2026 Statewide Transportation Improvement Program (STIP) (Appendix H, pages H-1 to H-2.)

Nonattainment area/maintenance area, not exempt - Ozone: This project is located in Floyd and Clark Counties, which are currently a maintenance area for Ozone, under the 2015 8-hour Ozone Standard (for the 1997 Ozone 8-hour standard include the following: which was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision.) The project’s design concept and scope are accurately reflected in both the KIPDA Transportation Plan (TP) and the Transportation Improvement Program (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

This project is located in Floyd and Clark Counties, which are currently in attainment for other criteria pollutants according to (<https://www.in.gov/idem/sips/nonattainment-status-of-counties/>) . Therefore, the conformity procedures for these other pollutants of 40 CFR Part 93 do not apply.

Greenhouse gases (GHG) are any of various gaseous compounds (such as carbon dioxide or methane) that absorb infrared radiation and trap heat in the atmosphere ([www.Merriam-Webster.com](http://www.Merriam-Webster.com)). The Blackiston Mill Rd. and bridge project is not anticipated to increase future capacity or introduce new traffic to the project area. No significant actions in automobile traffic or other actions would increase emissions or GHG within the proposed project area. The bridge will be replaced, and the existing bridge will be removed. Temporary construction emissions likely would occur but would not be considered cumulatively significant for GHG. No impacts to GHG based on this bridge replacement project are anticipated.

The purpose of this project is to address the bridge deck hairline cracks and efflorescence, cracks and holes in the pavement throughout, open joints on the substructure between stones and erosion and the steep vertical profile grade and substandard horizontal curve by constructing a roadway approach to a new bridge at a higher elevation. Additionally, the southeast approach to the bridge is below the existing bridge; therefore, it floods frequently due to backwater from the Ohio River, causing the road to be closed to traffic. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA’s MOVES3 model forecasts a combined reduction of over 76 percent in the total annual emissions rate for the priority MSAT from 2020 to 2060 while vehicle-miles of travel are projected to increase by 31 percent (Updated interim Guidance on Mobile Source Air Toxic Analysis in NEPA documents, Federal Highway Administration, January 18, 2023). This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

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### SECTION G - NOISE

**Noise**

**Yes      No**

Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?       

Date Noise Analysis was approved/technically sufficient by INDOT ESD: \_\_\_\_\_

*Describe if the project is a Type I or Type III project. If it is a Type I project, describe the studies completed to date and if noise impacts were identified. If noise impacts were identified, describe if abatement is feasible and reasonable and include a statement of likelihood.*

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 H – 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 discussion below)

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

*Discuss how the project complies with the area's local/regional development patterns; whether the project will impact community cohesion; and impact community events. Discuss how the project conforms with the ADA Transition Plan.*

The U.S. Department of Housing and Urban Development (HUD) was consulted as part of the early coordination process regarding possible regional, community or neighborhood factors associated with this project. No response was received. On December 1, 2021, Metric conducted an on-line review of the Indiana Festivals website (<http://www.indianafestivals.org>). There were no events identified within or near the project area that would be impacted during the construction schedule.

This project will not change the general development patterns, population density, or residential or commercial growth rate of the project area. Furthermore, there will be no permanent impacts to community cohesion, local mobility, access, pedestrian or motorist safety or emergency services as a result of the project. The project area will have increased access to Silver Creek and pedestrian access to the business and residential neighborhoods as ADA compliant sidewalks will be added to the structure. As per the approved Floyd County ADA Transition Plan, "All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the County will be in compliance with the ADA". The project will not have any adverse impacts on the local tax base or property values.

Floyd County Commissioner responded on February 5, 2021 that the City of New Albany supports the project to replace the bridge over Silver Creek at Blackiston Mill Road. They anticipate the project will correct deficiencies with the current bridge and roadway alignment and allow for a better connection for the residences between Clarksville and New Albany. The City is concerned about two possible environmental issues including contamination at the former mill site, possibly leaching into Silver Creek and hazardous conditions in the dam back-flow during high water events on Silver Creek. It would be the City's preference that the dam be removed, and Silver Creek restored to its original profile. (Appendix C, page C-44). The removal of the dam is not included in this project.

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**Public Facilities and Services**

*Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.*

Based on a desktop review, the aerial map of the project area (Appendix B, page B-3) and the RFI report (Appendix E, pages E-2 and E-8), there are five public facilities located within the 0.5 mile of the project. That number was updated to two during the site visit on May 11, 2021 by Metric Environmental. The US Social Security Administration building, and the Southern Indiana Rehab Hospital are adjacent to the project area.

No direct impacts will occur to either the US Social Security Administration (US SSA) building or the Southern Indiana Rehab Hospital facility. Indirect impacts will occur when the detour is in effect. The Blackiston Mill Rd. Bridge / Floyd County Bridge No. 22-00051 will be closed for approximately 45 days during construction and a detour will be in effect. The detour route will use the following roadway network: Blackiston Mill Rd., Potters Lane, Greentree North, Veterans Parkway, I-65, I-265, Charlestown Rd., Slate Run Rd., Silver Street, Brown Station Way, and back onto Blackiston Mill Rd., for a total of approximately 12.2 miles roundtrip. No construction issues to the driveways or the US SSA or hospital buildings will occur. The detour information will be advertised and displayed within the project area in advance of the detour going into effect. The SSA and Hospital facility will be notified of and will have access to detour route mapping information for social media purposes. Currently no identified transit routes stop at these places. An early coordination letter was sent to Southern Indiana Rehab Hospital, but no response was received.

INDOT Office of Aviation responded on January 29, 2021 if any object will exceed 200 ft. in height regardless of location, the object will need to be airspaced with the FAA 45 days prior to construction through the Obstruction Evaluation Airport Airspace Analysis (OEAAA) portal (<https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp>) (Appendix C, page C-43).

All applicable recommendations are included in the Environmental Commitments section of this EA document.

It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access.

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

During the development of the project were EJ issues identified?

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

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

*Indicate if EJ issues were identified during project development. If an EJ analysis was not required, discuss why. If an EJ analysis was required, describe how the EJ population was identified. Include if the project has a disproportionately high or adverse effect on EJ populations and explain your reasoning. If yes, describe actions to avoid, minimize and mitigate these effects.*

A Corridor study was completed in 2018 for Floyd County for the Bridge 51 / Silver Creek Bridge on Blackiston Mill Rd. Four alternatives were investigated with Alternative 2 becoming the preferred alternative. The preferred alternative will realign Blackiston Mill Rd. beginning just east of Blackiston Blvd. near Silverwood Court by shifting the roadway to the north and curving to the southeast as it approaches a new bridge over Silver Creek. The new bridge will be located upstream of the existing dam on Silver Creek. The bridge will have two 12 ft. wide lanes with curbs, and gutters, and 6 ft. wide sidewalks on both sides. Southeast of the new bridge Blackiston Mill Rd. will curve to the southeast to Walnut Grove Dr., at which point Blackiston Mill Rd. will return to its existing alignment. The roadway southeast of the bridge will be raised from its current low point elevation of 433.4 ft. to 442.4 ft. above sea level to meet the approximate 25-year flood elevation. This will reduce the frequency of flooding to Blackiston Mill Rd. caused by backwater from the Ohio River.

Acquisition of permanent and temporary ROW will be required from 24 parcels. It is anticipated that 10.52 of new permanent ROW will be acquired from residential and two public streets that are unrecorded plats, to realign Blackiston Mill Rd and Bridge for construction. Impacts to one property (identified as 13, 13A, 13B, and 13C on plan sheets in Appendix B, pages B-42 and B-43) will include an apartment building, a log cabin, trailer, and barn/garage. Displacements of 12 individuals (7 families), all renters, are anticipated by the project. The apartment building houses five families (ten people) and a log cabin and trailer on the property house two individuals separately.

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According to the property owner, the tenants living and renting units on the property know about the upcoming project and impact to the property / buildings. The property owner stated that rental agreements with the tenants are month to month. The apartment building is not currently or was not included under income-based restrictions, such as Section 8 housing programs.

Discussions with the property owner in December 2021 and updated in November 2022 indicated 12 individuals or 7 family units reside on the property. The apartment building houses five families (ten people) and a log cabin and trailer on the property house two individuals separately. The property owner stated the tenants living and renting on the property know about the upcoming displacements of their housing. No monthly rental information was available. It is assumed that the renters would be considered part of the low-income population as many have requested rental assistance. Over 27 rental unit listings are included from Clarksville, IN ranging from \$800/month to \$1,775/month depending on bedrooms and square footage, over 20 rental unit listings are available in Jeffersonville from \$925/month to \$2,000/month depending on bedrooms needed and square footage, and over 28 rental unit listings are available in New Albany from \$700/month to \$1,900/month depending on bedrooms and square footage (www.Zillow.com); accessed 09/02/2022).

Surrounding school districts include Clarksville schools, Jeffersonville School District and New Albany School District. New Albany School District is within Floyd County while Clarksville and Jeffersonville are within Clark County. The displacements would occur to residents only in Clark County and within the Clarksville school district. Depending on location, shopping and school buildings would be closer in Clarksville than at the current location. No school age children currently reside on the property.

### **EJ Analysis, EJ Populations**

Under FHWA Order 6640.23A, FHWA and the project sponsor, 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 ROW. The project will require approximately 10.5 acres of permanent ROW with seven family or twelve individual relocations. 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 exist 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 comprised of Jeffersonville, Clark County, IN and New Albany, Floyd County, IN. The community that overlaps the project area is called the affected community (AC). In this project, the AC's include Census Tracts 505.01 and 505.04 in Clark County and Census Tracts 703.01, 709.01, and 710.05 in Floyd County. 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 2021 American Community Survey (ACS) 5-year estimates was obtained from the US Census Bureau Website <https://data.census.gov/cedsci/> on March 7, 2023. (2019 data was used for Census Tract 505.01 as no 2021 data was available.) The data collected for minority and low-income populations within the AC's are summarized in the below table.

<b>Table: Minority and Low-Income Data (Source Data and 2021)</b>						
	<b>COC –</b> Jeffersonville, Clark County, and New Albany, Floyd County, IN	<b>AC1 –</b> Census Tract 505.04, Clark County, IN	<b>AC2 –</b> Census Tract 505.01, Clark County, IN (2019 5YR data)	<b>AC3 –</b> Census Tract 703.01, Floyd County, IN	<b>AC4 –</b> Census Tract 709.01, Floyd County, IN	<b>AC5 –</b> Census Tract 710.05, Floyd County, IN
Percent Minority	22.35%	26.73%	12.64%	2.38%	20.59%	7.91%
125% of COC	27.94%	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC
EJ Population of Concern		No	No	No	No	No
Percent Low-Income	14.04%	31.51%	7.57%	2.29%	7.38%	4.25%
125% of COC	17.55%	AC > 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC
EJ Population of Concern		Yes	No	No	No	No

\*Refer to the INDOT EJ guidance for calculating percentages

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AC1, Census Tract 505.04 has a percent minority of 26.73% which is below 50% and is below the 125% COC threshold. AC2 Census Tract 505.01 has a percent minority of 12.64% which is below 50% and is below 125% COC threshold. AC3 Census Tract 703.01 has a percent minority of 2.38% which is below 50% and is below 125% COC threshold. AC4 Census Tract 709.01 has a percent minority of 20.59% which is below 50% and is below 125% COC threshold. AC5, Census Tract 710.05 has a percent minority of 7.91% which is below 50% and is below the 125% COC. Therefore, none of the Affected Communities in the project area have minority populations of EJ concern in comparison to the Community of Concern.

AC1, Census Tract 505.04 has a percent low-income of 31.51% which is below 50% but is above the 125% COC threshold. AC2, Census Tract 505.01 has a percent low-income of 7.57% which is below 50% and is below the 125% COC. AC3, Census Tract 703.01 has a percent low-income of 2.29% which is below 50% and is below the 125% COC. AC4, Census Tract 709.01 has a percent low-income of 7.38% which is below 50% and is below the 125% COC. AC5, Census Tract 710.05 has a percent low-income of 4.25% which is below 50% and is below the 125% COC. Therefore, AC1 has a low-income population of EJ concern. No other Affected Communities have low-income population of EJ concern in comparison to the Community of Concern.

AC1 Census Tract contains the location of the displacements for the preferred alternative. Blackiston Mill Rd. is the dividing line between Census Tracts AC1 and AC2 in Clark County, and Silver Creek is the dividing line for the counties. See Appendix I, pages I-16 to I-38 for the maps, data, and data analysis.

Impacts associated with the project include approximately 11 acres of permanent and temporary ROW with displacements of 12 individuals (all renters) from one property. Impacts are anticipated to a census tract that identifies as including a low-income population.

The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as amended. Relocation resources are available to all residential owners and tenants without discrimination, fair housing is open to all persons regardless of race, color, religion, sex, or national origin. No person displaced by this project will be required to move from a displaced dwelling unless replacement housing is available to that person that is comparable, decent, safe, and sanitary.

In order to facilitate applicable and suitable relocation measures, INDOT and Floyd County will work with relocation specialists and identify specific information concerning the residential owners and tenants during the ROW process. The ROW and relocation specialists will follow the INDOT Real-Estate Manual, August 2021 and all federal and state guidelines <https://www.in.gov/indot/resources/manuals/real-estate-manual-and-resources/>. It is anticipated that a Relocation Specialist will present and be available for questions at the Public Hearing.

The MOT for the project will initially continue to use the existing bridge crossing and roadway network. Traffic will remain on Blackiston Mill Rd. and continue to use the bridge as the proposed bridge and road approaches are being constructed. Once the new bridge and other roadway improvements have been constructed, a detour will be in effect to construct the tie-ins. Traffic will be required to use a detour route that will be marked with appropriate construction and detour signs. The northern route is approximately 5.8 miles, and the southern route is approximately 6.4 miles in length. The closure to Blackiston Mill Rd. is estimated to be 45 days. Vehicular and pedestrian access on Blackiston Mill Rd. and Bridge will be improved after construction is complete and is anticipated to off-set impacts associated with the 45 day detour, benefiting both EJ and non-EJ communities.

Impacts from the project to the EJ community in this area will be beneficial and / or off-setting due to enhanced opportunities for vehicular and pedestrian users on Blackiston Mill Rd. and Bridge. Pedestrian access across the area will be improved after construction is complete benefiting both EJ and non-EJ communities. The project is expected to positively impact community cohesion by improving the roadway and extending the local sidewalk system. This will enable residents of the community and pedestrians to safely travel within the community. Buses and other modes of transportation will also be able to use the bridge to access the US Social Security Administration office, the Southern Indiana Rehab Hospital and retail shopping opportunities. Currently no transit vehicles utilize the roadway or bridge.

Upon release of this EA document for public involvement, a legal advertisement will be placed in the *NEWS and TRIBUNE*, announcing the availability of the environmental document, design plans, and the availability for a public hearing. The impacted residents will be notified individually of the availability for a public hearing. This is to ensure the community and environmental justice population are aware of the project.

Pre-relocation interviews will be held with all impacted and displaced owners and tenants as per INDOT regulations. Information collected will follow current state and federal ROW procedures. During those meetings, individual commitments concerning each household can be determined based on family, monetary assistance needed, access to church, local or specific shopping, doctors, transit access, work, etc. Individual household needs will be evaluated and met when possible, for these items and others. A

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Conceptual Stage Relocation Study (CSRS) will also be conducted by the INDOT Office of Real Estate during the ROW process. These requirements have been included in the Environmental Commitments section of the EA.

Additionally, and if needed in a tight housing market, INDOT and Floyd County will be prepared to adapt policies to allow tenants to rent or purchase homes quickly, rather than the usual 45-60 days. Rental and/or prospective properties could rent or buy quickly; therefore, agents should be able to review monetary obligations as needed and increase relocation payments to make rentals affordable. These requirements have been included in the Environmental Commitments section of the EA.

INDOT will also identify and engage either internally or externally, a Relocation Reviewer, that will function as oversight to the relocation process. This Reviewer will add a layer of assurances to the agencies and public that all state and federal measures are followed appropriately. This requirement has been included in the Environmental Commitments section of the EA.

Mitigation efforts detailed throughout this section, and listed in the Relocation section, will reduce the impacts to the EJ community. A number of these efforts, i.e., pedestrian and bicycle access, combined with the mitigation measures to reduce impacts to those being relocated are not anticipated to result in a disproportionately high and adverse effect for the EJ populations of concern.

INDOT-ESD has reviewed the project information along with the Environmental Justice (EJ) Analysis for the project. With the information provided, the project will require ROW. There will be relocations. With the information provided, the relocations would not disrupt community cohesion or create a physical barrier. INDOT-ESD would not consider the impacts associated with this project as causing a disproportionately high and adverse effect on minority and/or low-income populations of EJ concern relative to non-EJ populations in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23a. No further EJ Analysis is required. INDOT-ESD's response is located in Appendix I, page I-39.

### Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?  
Is a BIS or CSRS required?

Yes	No
X	
X	

Number of relocations:      Residences: 3      Businesses: 0      Farms:               Other:         

*Discuss any relocations that will occur due to the project. If a BIS or CSRS is required, discuss the results in the discussion below.*

The Alternative Analysis discussed previously in this EA document explains the project purpose and need, engineering design, costs, impacts, and public support for the alternatives, see table below and alternatives discussion on page 5. Limited public transit availability exists in the community, with no transit authority currently using Blackiston Mill Rd. The Transit Authority of River City (TARC), out of Kentucky, operates a service that utilizes Grant Line Rd., which is located approximately 1.5 miles from the bridge. Modernizing the bridge and roadway will offer the opportunity for accessibility for public transit vans and other vehicles to make connections to the public resources in the project area, such as the Blackiston Mill shopping center, the US SSA office, and the Southern Indiana Rehabilitation Hospital.

Blackiston Mill Rd. experiences flooding mostly from backwater resulting from flood stages of the Ohio River. Flooding currently affects the local residential and business community adjacent to the bridge. Local Public Agencies are interested in reducing the frequency Blackiston Mill Rd. is closed due to flooding. Additionally, the buildings to be displaced from the Preferred Alternative have been impacted by recent floods with photographs showing the first floor of the apartment building under water from the Flood of 2018. Relocation to an area or building that is not located within the regulatory floodplain is considered beneficial and / or off-setting to the displaced residential property. Engineering Design for the Preferred Alternative has minimized impacts to cultural, economic, public, and natural resources and facilities within the project area while increasing safety for local and through traffic while meeting the stated project purpose and need, see summary table below.

Alternative	Meets Purpose and Need	Residential and Business Impacts	Dam Impacts	Mill and Mine Impacts	Approximate Costs	Public Support
1	Yes	Yes	Yes	No	\$4.7M	No
2	Yes	Yes	No	No	\$4.9M	Yes
3	No	Yes	No	Yes	\$4.6M	No
4	No	Yes	No	No	\$6.9M	No
No Build	No	Yes (continued flooding)	No	No	\$0	No

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The Community Benefits to the local and traveling public from a new and modernized crossing over Silver Creek that increases safety, while also decreasing the flooding impacts to Blackiston Mill Rd. outweigh the ROW and displacement impacts.

The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as amended. Relocation resources are available to all residential owners and tenants without discrimination, fair housing is open to all persons regardless of race, color, religion, sex, or national origin. No person displaced by this project will be required to move from a displaced dwelling unless replacement housing is available to that person that is comparable, decent, safe, and sanitary.

In order to facilitate applicable and suitable relocation measures, INDOT and Floyd County will work with relocation specialists and identify specific information concerning the residential owners and tenants during the ROW process. The ROW and relocation specialists will follow the INDOT Real-Estate Manual, August 2021 and all federal and state guidelines <https://www.in.gov/indot/resources/manuals/real-estate-manual-and-resources/>. It is anticipated that a Relocation Specialist will present and be available for questions at the Public Hearing. It is anticipated the owner and tenants will receive the following general benefits:

Owners	Moving expenses, price differential payment, closing cost reimbursement, incidental expense reimbursement, increase mortgage reimbursement
Tenants	Moving expenses, rental assistance payment or downpayment assistance payment

Pre-relocation interviews will be held with all impacted and displaced owners and tenants with either an in-house INDOT relocation specialist or a consultant chosen by INDOT that is an approved right-of-way or relocation specialist as per INDOT regulations. Information collected will follow current state and federal ROW procedures. During those meetings, individual commitments concerning each household can be determined based on family, monetary assistance needed, access to church, local or specific shopping, doctors, transit access, work, etc. Individual household needs will be evaluated and met when possible, for these items and other applicable household needs. A Conceptual Stage Relocation Study (CSRS) will also be conducted by the INDOT Office of Real Estate during the ROW process. These requirements have been included in the Environmental Commitments section of the EA.

Additionally, and if needed in a tight housing market, INDOT and Floyd County will be prepared to adapt policies to allow tenants to rent or purchase homes quickly, rather than the usual 45-60 days. Rental and/or prospective properties could rent or buy quickly; therefore, agents should be able to review monetary obligations as needed and increase relocation payments to make rentals affordable. This requirement has been included in the Environmental Commitments section of the EA.

INDOT will also identify and engage either internally or externally, a Relocation Reviewer, that will function as oversight to the relocation process. This Reviewer will add a layer of assurances to the agencies and public that all state and federal measures are followed appropriately. This requirement has been included in the Environmental Commitments section of the EA.

### SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

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

Red Flag Investigation (RFI)

Phase I Environmental Site Assessment (Phase I ESA)

Phase II Environmental Site Assessment (Phase II ESA)

Design/Specifications for Remediation required?

**Documentation**

X

Date RFI concurrence by INDOT SAM (if applicable): November 18, 2021

*Include a summary of the potential hazardous material concerns found during review. Discuss in depth sites found within, directly adjacent to, or ones that could impact the project area. Refer to current INDOT SAM guidance. If additional documentation (special provisions, pay quantities, etc.) will be needed, include in discussion. Include applicable commitments.*

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Based on a review of Geographic Information System (GIS) and available public records, the RFI was completed by Metric Environmental and INDOT-SAM provided their concurrence on November 18, 2021, Appendix E. No sites with hazardous material concerns (hazmat sites) or sites involved with regulated substances were identified in or within 0.5 mile of the project area. Further investigation for hazardous material concerns or regulated substances is not required at this time.

### Part IV – Permits and Commitments

**PERMITS CHECKLIST**

**Permits** (mark all that apply)

**Likely Required**

**Army Corps of Engineers (404/Section10 Permit)**

Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	<input checked="" type="checkbox"/>
Individual Permit (IP)	<input type="checkbox"/>
Other	<input type="checkbox"/>

**IN Department of Environmental Management (401/Rule 5)**

Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	<input checked="" type="checkbox"/>
Individual Permit (IP)	<input type="checkbox"/>
Isolated Wetlands	<input type="checkbox"/>
Rule 5	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**IN Department of Natural Resources**

Construction in a Floodway	<input checked="" type="checkbox"/>
Navigable Waterway Permit	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Mitigation Required**

**US Coast Guard Section 9 Bridge Permit**

**Others (Please discuss in the discussion below)**

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

*List the permits likely required for the project and summarize why the permits are needed, including permits designated as "Other."*

The project will likely require an IDEM Section 401 Water Quality Certification permit and an USACE Section 404 permit for the stream impacts.

The IDNR-DFW responded to early coordination on February 26, 2021, stating that this project will require the formal approval of their agency for construction in a floodway pursuant to the Flood Control Act (IC 14-28-1) (Appendix C, pages C-11 to C-13).

An IDEM Construction Stormwater General Permit (CSGP) (previously known as a Rule 5 permit) will also likely be required due to the disturbance of more than one acre of land.

Applicable recommendations provided by the resource agencies are included in the Environmental Commitments section of this EA document. If permits are found to be necessary, the conditions of the permit will be requirements of the project and will supersede these recommendations.

It is the responsibility of the project sponsor to identify and obtain all required permits.



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### ENVIRONMENTAL COMMITMENTS

List all commitments and include the name of agency/organization requesting/requiring the commitment(s). Listed commitments should be numbered.

**Firm:**

1. If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT Seymour District)
2. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
3. Any work in a wetland area within INDOT's right of way or in borrow/waste areas is prohibited unless specifically allowed in the US Army Corps of Engineers or IDEM permit. (INDOT ESD)
4. Wetland A will be labeled on the engineering plans and in the field as "Do Not Disturb". (INDOT ESD)
5. A summary of the hydraulic design study will be included in the Field Check Plans. (INDOT ESD)
6. Archaeology site 12FL0219/12CL1100 is to be avoided or subjected to Phase Ib reconnaissance. (SHPO)
7. The portions of site 12FL0219/12CL1100 that lie outside the proposed project area should be clearly marked so that they are avoided by all ground-disturbing project activities. If avoidance is not feasible, then additional archaeological assessment of those portions of the site will be necessary.
8. The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as amended. Relocation resources are available to all residential owners and tenants without discrimination, fair housing is open to all persons regardless of race, color, religion, sex, or national origin. No person displaced by this project will be required to move from a displaced dwelling unless replacement housing is available to that person that is comparable, decent, safe, and sanitary. (FHWA)
9. Pre-relocation interviews will be held with all impacted and displaced owners and tenants with either an in-house INDOT relocation specialist or a consultant chosen by INDOT that is an approved right-of-way or relocation specialist, as per INDOT regulations. Information collected will follow current state and federal ROW procedures. During those meetings, individual commitments concerning each household can be determined based on family, monetary assistance needed, access to church, local or specific shopping, doctors, transit access, work, etc. Individual household needs will be evaluated and met when possible, for these items and other applicable household needs. (INDOT ESD)
10. A Conceptual Stage Relocation Survey (CSRS) will be conducted by INDOT Office of Real Estate. (INDOT ESD)
11. INDOT and Floyd County will be prepared to adapt policies to allow tenants to rent or purchase homes quickly, rather than the usual 45-60 days. Rental and/or prospective properties could rent or buy quickly; therefore, agents should be able to review monetary obligations as needed and increase relocation payments to make rentals affordable. (INDOT ESD)
12. INDOT will identify and engage either internally or externally, a Relocation Reviewer, that will function as oversight to the relocation process. This Reviewer will add a layer of assurances to the agencies and the public that all state and federal measures are followed appropriately. (INDOT ESD)
13. If any human remains dating before December 31, 1939 are encountered, the discovery must be reported to the IDNR within two business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. In that event, please call (317) 232-1646. If human remains are accidentally discovered during field investigations or related laboratory analyses and would be subject to the Native American Graves Repatriation Act (NAGPRA), the investigating or curation facility shall assure NAGPRA reporting and compliance. If any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, and the Peoria Tribe of Indians of Oklahoma requests immediate consultation with the entity of jurisdiction for the location of discovery. (SHPO)
14. 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)

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15. Lighting AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
16. Tree Removal AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal in excess of what is required to implement the project safely. (USFWS)
17. Tree Removal AMM 2: Apply time of year (TOY) restrictions for tree removal when bats are not likely to be present (October 1 – March 31), or limit tree removal to 10 or fewer trees per project at any time of year within 100 ft. of existing road/rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (No tree clearing from April 1, - September 30). (USFWS and IDNR)
18. Tree Removal AMM 3: Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)
19. Tree Removal AMM 4: Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting; or trees within 0.25 miles of roosts; or documented foraging habitat any time of year. (USFWS)
20. USFWS Bridge/Structure Assessment shall take place no earlier than two (2) years prior to the start of construction. If construction will begin after May 17, 2025, an inspection of the structure by a qualified individual, must be performed. Inspection of the structure should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)
21. Prior to any demolition, the structures will be inspected for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and USFWS before demolition starts. The structures will be demolished and/or moved after September 30 and before April 1. If further coordination is needed no demolition can occur until coordination is concluded with INDOT ESD and USFWS. (USFWS).
22. Blackiston Mill Rd. Bridge No. 22-0051 and the project's surrounding habitat is conducive for use (i.e. nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA). Prior to the start of nesting season (May 1) the structure must be inspected for birds or signs of birds. If birds or signs of birds are found during the inspection avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the "Potential Migratory Bird on Structure" USP/RSP. (USFWS)
- For Further Consideration:**
23. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure. (IDNR-DFW)
24. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds. (IDNR-DFW)
25. 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. (IDNR-DFW)
26. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids. (IDNR-DFW)
27. The new, replacement, or rehabbed structure should not create conditions that are less favorable for wildlife passage under the structure compared to the current conditions. (IDNR-DFW)
28. Riprap or other hard bank stabilization materials should only be used at the toe of slopes up to the ordinary high water mark (OHWM) with the exception of areas directly under bridges. The banks above the OHWM must be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. (IDNR-DFW)

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29. Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10 inches dbh or greater (5:1 mitigation based on the number of large trees). (IDNR-DFW)

30. Revegetate all disturbed soil areas immediately upon project completion, using native trees and shrubs in the riparian zone wherever feasible and reforestation occur along all impacted riparian areas, extending at least 50 feet (preferably 100) perpendicular from the streambank (USFWS)

31. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat. (USFWS)

32. Use best methods to contain soil and sediment runoff during construction. Use silt curtains or other devices at the downstream end of the project to contain bottom sediment in the newly excavated channel and to prevent it from adding to the downstream sediment load. Maintain such devices by removal of accumulated sediment. (USFWS)

33. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap. (USFWS)

34. Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottom culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community. (USFWS)

35. Avoid all work within the inundated part of the stream channel (in perennial streams and larger intermittent streams) during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below OHWM during this time unless the machinery is within the caissons or on the cofferdams. (USFWS)

36. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion. (USFWS)

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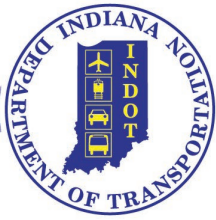
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# **APPENDIX A: EA Determination Letter**



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204

**Eric J. Holcomb, Governor**  
**Michael Smith, Commissioner**

March 31, 2023

Kari Carmany-George, Planning and Environmental Specialist  
Federal Highway Administration  
575 N. Pennsylvania Street, Room 254  
Indianapolis, IN 46204

Dear Ms. Carmany-George:

The Indiana Department of Transportation (INDOT) proposes to initiate the environmental review process for the following project:

Des No: 1700788  
Route: Blackiston Mill Road (Rd.)  
County and Location: Floyd and Clark Counties (see attached project location map)

The proposed undertaking is located approximately 0.20 mile east of Charlestown Road (Rd.) in New Albany Township, Floyd County and Jeffersonville Township, Clark County, Indiana. The project area is within the New Albany-Clarksville-Jeffersonville urban area boundary and thus is within the Kentuckiana Regional Planning and Development Agency's boundary (KIPDA). Specifically, the project is located in Section 63, Township 2 South, Range 6 East. The project area includes Blackiston Mill Rd. and the bridge that crosses Silver Creek. The western terminus is approximately 0.20 mile east of Charlestown Rd., and the eastern terminus is approximately 1,050 feet (ft.) southeast of the southern portion of Silver Creek, just southeast of Starlight Drive (Dr.)

### **Project Description / Type of Work:**

The project will realign Blackiston Mill Rd., beginning just east of Blackiston Blvd. near Silverwood Court, by shifting the roadway to the north and curving to the southeast as it approaches a new bridge over Silver Creek. The proposed structure is a three-span bridge with spans of 66 ft. - 9 inches, 80 ft. and 66 ft. - 9 inches. The total length of the new bridge will be 215 ft. - 2 ¾ inches. The concrete deck will provide a clear roadway width of 26 ft. - 10 inches (two 12 ft. wide driving lanes and 1 ft. - 5-inch-wide gutter). The concrete deck will be 8 inches thick. A 6-ft.-wide sidewalk with 10-inch-wide Bridge Railing will be provided on both sides of the bridge. The substructures are assumed to consist of a solid cantilever concrete abutment supported on a spread concrete footing on the north end of the bridge, two concrete wall piers supported on concrete spread footings, and a concrete integral end bent on steel H-piles on the south end of the bridge. Southeast of the new bridge, Blackiston Mill Rd. will continue to curve to the southeast until Walnut Grove Dr., at which point Blackiston Mill Rd. will return to its existing alignment. The roadway southeast of the bridge will be raised from its current low point elevation of 433 ft. Above Mean Sea Level (AMSL) to 442 ft. AMSL to meet the approximate 25-year flood elevation (Q25); this will reduce the frequency of roadway flooding by backwater from the Ohio River. An area of compensatory excavation southeast of the crossing will provide flood storage to make up for the roadway grade rise and minimize downstream impacts.

The lane widths on Blackiston Mill Rd. for the 3-lane section from the beginning of the project to approximately 240 ft. northwest of the new bridge will be 11 ft. The three 11-ft. wide lanes will transition to two 12 ft. wide lanes for a distance of 135 ft., continuing to approximately 30 ft. southeast of the bridge. The lanes will then transition to 11 ft. wide and continue to approximately 270 ft. southeast of Walnut Grove Dr. The new roadway will provide a 6 ft. wide sidewalk adjacent to the back of the curb and gutter on each side of the road. The new alignment will transition into the existing alignment over a 290 ft. distance with 2 ft. earthen shoulders and no sidewalk. Existing curb and gutter will also be replaced. Silverwood Court will be realigned to improve sight distance at the intersection with the realigned Blackiston Mill Rd. The shift in the alignment of Silverwood Court will also provide left turn lanes on Blackiston Mill Rd. to Silverwood Court and a commercial drive where none currently exist. Approximately 200 ft. of Walnut Grove Dr. will be shifted to the northwest due to the higher elevation of Blackiston Mill Rd. The intersection of Blackiston Mill Rd. and Walnut Grove Dr.

will be reconstructed to accommodate the new alignments. The commercial and residential drives southeast of the bridge will be reconstructed due to the new roadway elevation being raised above Q25. New stormwater pipes and inlets will be installed throughout the project area. The existing bridge and approximately 250 ft. of the north approach and 165 ft. of the south approach will be removed.

The current structure is narrow (roadway width from curb to curb is 21.9 ft), does not include pedestrian accessibility, and does not meet current state and federal safety standards. The bridge and approaches are considered structurally deficient and functionally obsolete. The purpose of the project is to provide connectivity for pedestrian access, increase access and safety for the vehicular and pedestrian traffic on Blackiston Mill Rd. without increasing vehicular traffic on other local roadways, address the roadway flooding of the southeast approach to the bridge, and to provide a structure with a rating of 8 (very good) or better.

Blackiston Mill Rd. experiences flooding mostly from backwater resulting from flood stages of the Ohio River. Flooding currently affects the local residential and business community adjacent to the bridge. Local Public Agencies are interested in reducing the frequency Blackiston Mill Rd. is closed due to flooding. Additionally, the buildings to be displaced by the project have been impacted by recent floods with photographs showing the first floor of the apartment building under water from the Flood of 2018.

Traffic will remain on Blackiston Mill Rd. during construction and will continue using the existing bridge as the proposed new structure and road approaches are being constructed. Once construction for the new structure and approaches are complete, Blackiston Mill Road will be closed. The closure to Blackiston Mill Rd. during construction of the tie ins to the new structure is estimated to be 45 days. The northern detour route is approximately 5.8 miles, and the southern detour route is approximately 6.4 miles in length.

## **SUMMARY OF ACTIVITIES AND STUDIES**

### **Right-of-Way (ROW) and Relocations:**

The project will require approximately 5.79 acres of permanent ROW from residential properties. The project also requires approximately 4.73 acres of compensatory excavation (permanent ROW) from residential properties and two public streets that are unrecorded plats, to realign Blackiston Mill Rd. and complete project construction. Approximately 0.42 acres of temporary ROW will be required for driveway reconstruction, lawn grading, and road and bridge removal. Acquisition of permanent and temporary ROW will be required from 24 parcels. Three residential buildings, all rental properties, located on one parcel will be displaced by the project. One residence is an apartment building housing five families (ten people) and two other buildings on the property, a log cabin and a trailer, house two individuals separately for a total of twelve individuals or seven family units. According to the property owner, the tenants living and renting units on the property know about the upcoming project and impact to the property / buildings. At this time, the property owner stated that rental agreements with the tenants are month to month.

The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as amended. Relocation resources are available to all residential owners and tenants without discrimination, fair housing is open to all persons regardless of race, color, religion, sex, or national origin. No person displaced by this project will be required to move from a displaced dwelling unless replacement housing is available to that person that is comparable, decent, safe, and sanitary.

In order to facilitate applicable and suitable relocation measures, INDOT and Floyd County will work with relocation specialists and identify specific information concerning the residential owners and tenants during the ROW process. The ROW and relocation specialists will follow the INDOT Real-Estate Manual, August 2021 and all federal and state guidelines <https://www.in.gov/indot/resources/manuals/real-estate-manual-and-resources/>. It is anticipated that a Relocation Specialist will present and be available for questions at the Public Hearing (see additional Public Involvement information below). It is anticipated the owner and tenants will receive the following general benefits:



Owners	Moving Expenses, price differential payment, closing cost reimbursement, incidental expense reimbursement, increase mortgage reimbursement
Tenants	Moving expenses, rental assistance payment or downpayment assistance payment

Pre-relocation interviews are anticipated with all owners and tenants. Information collected will follow current state and federal ROW procedures. During those meetings, individual commitments concerning each household can be determined based on family, monetary assistance needed, access to church, local or specific shopping, doctors, work, etc.

Additionally, and if needed in a tight housing market, INDOT and Floyd County should be prepared to adapt policies to allow tenants to rent or purchase homes quickly, rather than the usual 45-60 days. Also, rental comparables and prospective properties could rent quickly; therefore, agents should be able to “re-comp” and increase relocation payments to make new rentals affordable.

INDOT will also identify and engage either internally or externally, a Relocation Reviewer, that will function as oversight to the relocation process. This Reviewer will add a layer of assurances to the agencies and public all state and federal measures are followed appropriately.

**Wetlands, Stream, and Other Aquatic Resources:**

A Waters of the US Determination / Wetland Delineation Report was completed for the project on June 4, 2021. It was determined approximately 350 linear feet of stream length will be impacted by the project. Three streams were identified within the Project Study Limits (PSL) would likely be considered jurisdictional waters of the US:

- Silver Creek – perennial stream
- UNT1 to Silver Creek – ephemeral stream
- UNT2 to Silver Creek – ephemeral stream

One wetland was identified in the PSL. Wetland A was classified as a Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Temporarily Flooded (PSS1A) wetland. This wetland was located in a depression north of the intersection of Blackiston Mill Rd. and Silverwood Court. Wetland A was 0.011 acre and wholly contained within the PSL. No impacts are expected to the wetland resource based on the project engineering design in relation to the location of the wetland.

A Low-head dam exists in the project area in Silver Creek. The current bridge is located below the dam and the proposed bridge will be located above the dam. No impacts to the dam are anticipated by the project and the project will not remove the dam.

**Historic and Cultural Resources:**

Qualified professionals meeting the Secretary of the Interior’s Professional Qualification Standards identified and evaluated above-ground and below-ground resources within the project area for potential eligibility for the National Register of Historic Places (NHRP).

Cultural resources investigations started with the identification of the Area of Potential Effect (APE) and continued with coordination with Consulting Parties, a Phase Ia archaeological survey, into a Phase Ib archaeological investigation and concluded with cultural resources public involvement. On April 20, 2022, the INDOT Cultural Resources Officer (CRO), on behalf of the FHWA, approved the 800.11 Documentation and issued a “No Adverse Effect” finding for this project. Following this finding, the effect documentation was provided to the State Historic Preservation Officer (SHPO) and other consulting parties for a 30-day review and comment period on April 21, 2022. The SHPO responded with their concurrence regarding “No Adverse Effect” finding on May 10, 2022. A deadline date of May 23, 2022 was established to provide comments on the “No Adverse Effect” finding. As no comments were received regarding the “No Adverse Effect” finding during the 30-day comment period, the responsibilities of the FHWA under Section 106 were fulfilled and cultural resource coordination was completed.

**Public Facilities and Services**

The US Social Security Administration building, and the Southern Indiana Rehab Hospital are adjacent to the project area. No direct impacts will occur to either the US Social Security Administration (US SSA) building or the Southern Indiana Rehab Hospital facility; indirect impacts will occur when the detour is in effect for approximately six weeks during construction. No construction issues to the associated driveways or the US SSA or hospital buildings will occur. The detour information will be advertised and displayed within the project area in advance of the detour going into effect and will be identified during public information sessions or meetings.

**Environmental Justice Analysis:**

Under FHWA Order 6640.23A, FHWA and the project sponsor, 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 ROW. The project will require approximately 10.52 acres of permanent ROW with seven family or twelve individual relocations. 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 exist 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 comprised of Jeffersonville city, Clark County, IN and New Albany city, Floyd County, IN. The community that overlaps the project area is called the affected community (AC). In this project, the AC’s include Census Tracts 505.01 and 505.04 in Clark County and Census Tracts 703.01, 709.01, and 710.05 in Floyd County. 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 2021 American Community Survey (ACS) 5-year estimates was obtained from the US Census Bureau Website <https://data.census.gov/cedsci/> on March 7, 2023 by Metric Environmental. (2019 data was used for Census tract 505.01 as no 2021 data was available.) The data collected for minority and low-income populations within the AC’s are summarized in the below table.

<b>Table: Minority and Low-Income Data (Source Data and 2021)</b>						
	<b>COC –</b> Jeffersonville city, Clark County, and New Albany city, Floyd County, IN	<b>AC1 –</b> Census Tract 505.04, Clark County, IN	<b>AC2 –</b> Census Tract 505.01, Clark County, IN (2019 5YR data)	<b>AC3 –</b> Census Tract 703.01, Floyd County, IN	<b>AC4 –</b> Census Tract 709.01, Floyd County, IN	<b>AC5 –</b> Census Tract 710.05, Floyd County, IN
Percent Minority	22.35%	26.73%	12.64%	2.38%	20.59%	7.91%
125% of COC	27.94%	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC
EJ Population of Concern		No	No	No	No	No
Percent Low-Income	14.04%	31.51%	7.57%	2.29%	7.38%	4.25%
125% of COC	17.55%	AC > 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC	AC < 125% COC
EJ Population of Concern		Yes	No	No	No	No

AC1 has a low-income population of EJ concern. No other Affected Communities in the identified project area have low-income or minority population of EJ concern in comparison to the Community of Concern. AC1 Census Tract contains the location of the displacements for the preferred alternative. Blackiston Mill Rd. is the dividing line between Census Tracts AC1 and AC2 in Clark County, and Silver Creek is the dividing line for the Counties and Townships. Mitigation efforts detailed throughout this letter report, and listed in the ROW and PI sections, will reduce the impacts to the EJ community. Therefore, based upon the minimization and mitigation efforts, the proposed project is not anticipated to result in a disproportionately high and adverse effect to th EJ populations of concern.

The benefits of the project to both EJ and non-EJ communities include vehicular and pedestrian safety and mobility, minimization of roadway flooding, and improved pavement conditions. The project is expected to positively impact community cohesion by improving the roadway and extending the local sidewalk system. This will enable residents of the community and pedestrians to safely travel within the community. Buses and other modes of transportation will also be able to use the bridge to access the US Social Security Administration office, the Southern Indiana Rehab Hospital and retail shopping opportunities. Currently no transit vehicles utilize the roadway or bridge based on existing safety conditions of the roadway and bridge.

### **Public Involvement and Documentation**

A legal notice was published in the *NEWS AND TRIBUNE* on June 16 and June 19, 2018, offering the public the opportunity to attend a public hearing on June 26, 2018 at 4:00 pm or 6:00 pm at the Purdue Technology Center Campus on Technology Avenue, off Innovation Boulevard, in New Albany, Indiana. In addition, the legal notice was mailed to seventy-eight project stakeholders and adjacent property owners.

Two Public Information Meetings were held at 4:00 PM and 6:00 PM on June 26, 2018 at the Purdue Technology Center Campus to introduce the project, show the alternatives being studied, and to receive public input. Approximately 43 residents and local business owners attended the meeting. General comments involved flooding issues, traffic growth and access issues, and if there would be sidewalks or bikeway on new bridge.

The Draft EA will be available for review and comment during the public hearing and for two weeks prior to and after the public hearing, with an anticipated advertisement date of Spring 2023. Document comments will be solicited by the project team from the local communities. A public hearing is expected to be held in Summer 2023. The public hearing will be held at a time / place that is convenient to those being relocated and the relocates will receive direct mailings / information about the hearing. The public hearing will provide an additional opportunity for all interested and affected parties to identify themselves and express their opinions regarding the human and environmental impacts associated with the proposed project and maintenance of traffic plan. After the Public Hearing, the EA will summarize and finalize project impacts, comments, and public involvement. The Finding of No Significant Impact (FONSI) is expected for approval in early Fall 2023.

### **Hazardous Materials and Regulated Substances**

Based on a review of Geographic Information System (GIS) and available public records, the RFI was completed by Metric Environmental, and INDOT-SAM provided their concurrence on November 18, 2021. No sites with hazardous material concerns (hazmat sites) or sites involved with regulated substances were identified in or within 0.5 mile of the project area. Further investigation for hazardous material concerns or regulated substances is not required at this time.

### **Permits**

The project will require an Indiana Department of Environmental Management (IDEM) Section 401 Water Quality Certification permit and an US Army Corps of Engineers (USACE) Section 404 permit for the stream impacts. An IDEM Construction Stormwater General Permit (CSGP) will also be required due to the disturbance of more than one acre of land. An Indiana Department of Natural Resources (IDNR) Construction in a Floodway permit is also anticipated.

### **Proposed Environmental Document Type (check the appropriate designation):**

It is proposed that an Environmental Impact Statement (EIS) will serve as the environmental document for the proposed project.

It is proposed that an Environmental Assessment (EA) will be prepared to determine the appropriate environmental document.

In general, Environmental Assessments that are terminated with a "Finding of No Significant Impact" (FONSI) are not subject to the EIS procedures outlined in 23 USC 139. In some instances, however, FHWA-Indiana Division and INDOT Environmental Services Division (ESD) may decide to prepare an EA using the more formal EIS procedures in 23 USC 139. In these instances, prior coordination with FHWA-Indiana Division and INDOT ESD is necessary.

X   This EA will be prepared in the usual manner, following the EA procedures in 23 CFR 771.119 and INDOT's Procedural Manual for Preparing Environmental Studies and Categorical Exclusion Manual.

\_\_\_\_\_ Previous coordination between FHWA-Indiana Division and INDOT ESD has led to a decision that the more formal environmental documentation process in 23 USC 139 will be used in preparing the Environmental Assessment for this project.

INDOT is requesting FHWA concurrence with the EA determination. If you have questions, please call (317 439-7500).

Sincerely,

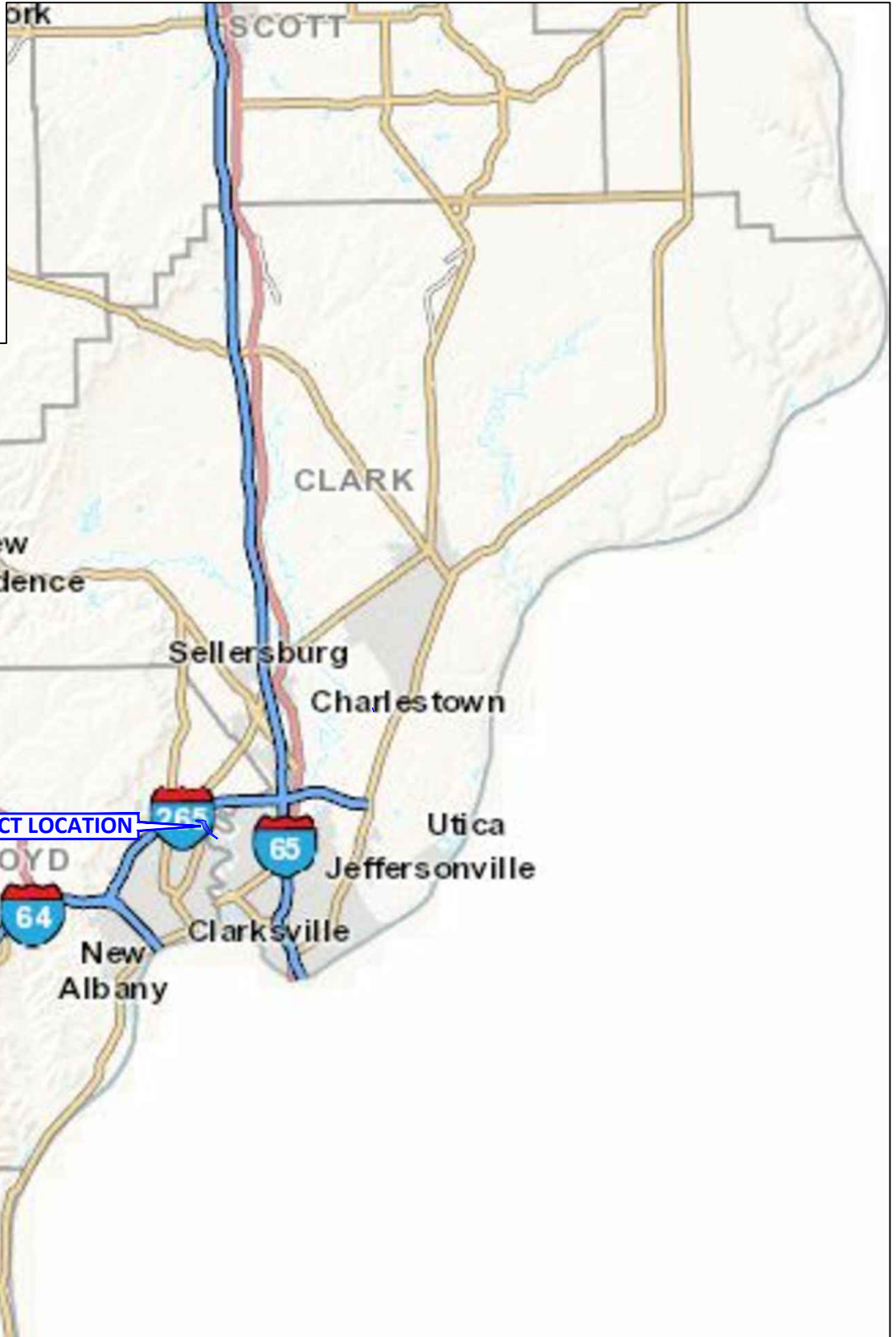
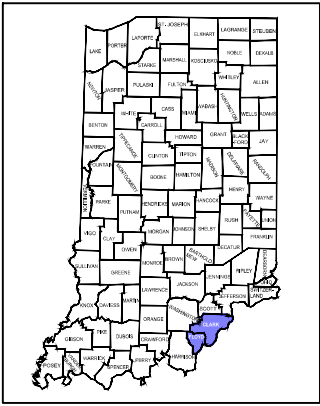


Andrew Passmore  
Team Lead NEPA Document Review Team  
Environmental Services Division, INDOT

**KARSTIN MARIE  
CARMANY-  
GEORGE** Digitally signed by  
KARSTIN MARIE  
CARMANY-GEORGE  
Date: 2023.04.12 10:36:08  
-04'00'

FHWA Concurrence: \_\_\_\_\_  
Karstin Carmany-George, Environmental Program Manager  
Indiana Division, Federal Highway Administration

Attachments: Location Map, USGS Topographic Map, Aerial Photograph, Completed Project and Program Information System (PAPAI) worksheet

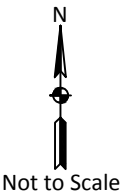


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Source: <http://maps.indiana.edu/>

**Location Map**  
 Bridge Project  
 Blackiston Mill Road Over Silver Creek  
 New Albany and Jeffersonville Townships,  
 Floyd and Clark Counties, Indiana  
 Des. No. 1700788  
 Metric Project # 18-0145

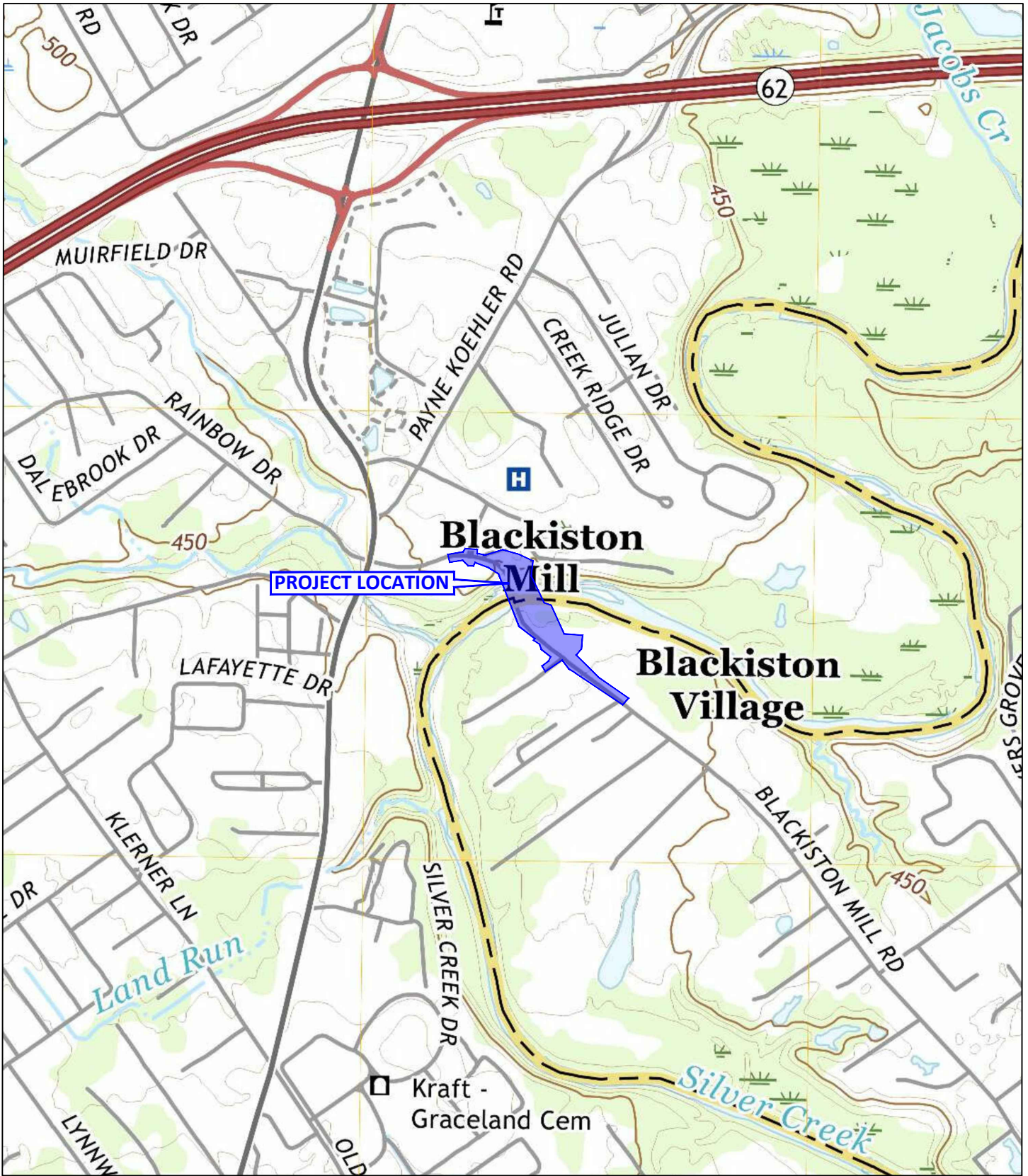
All locations approximate



Not to Scale



Drawn by: ILJ  
 Checked by: SC  
 Approved by: JRP  
 Date: January, 2021

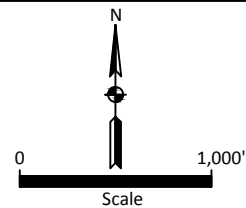


Source: <https://ngmdb.usgs.gov/topview/viewer/#14/38.3343/-85.7949>

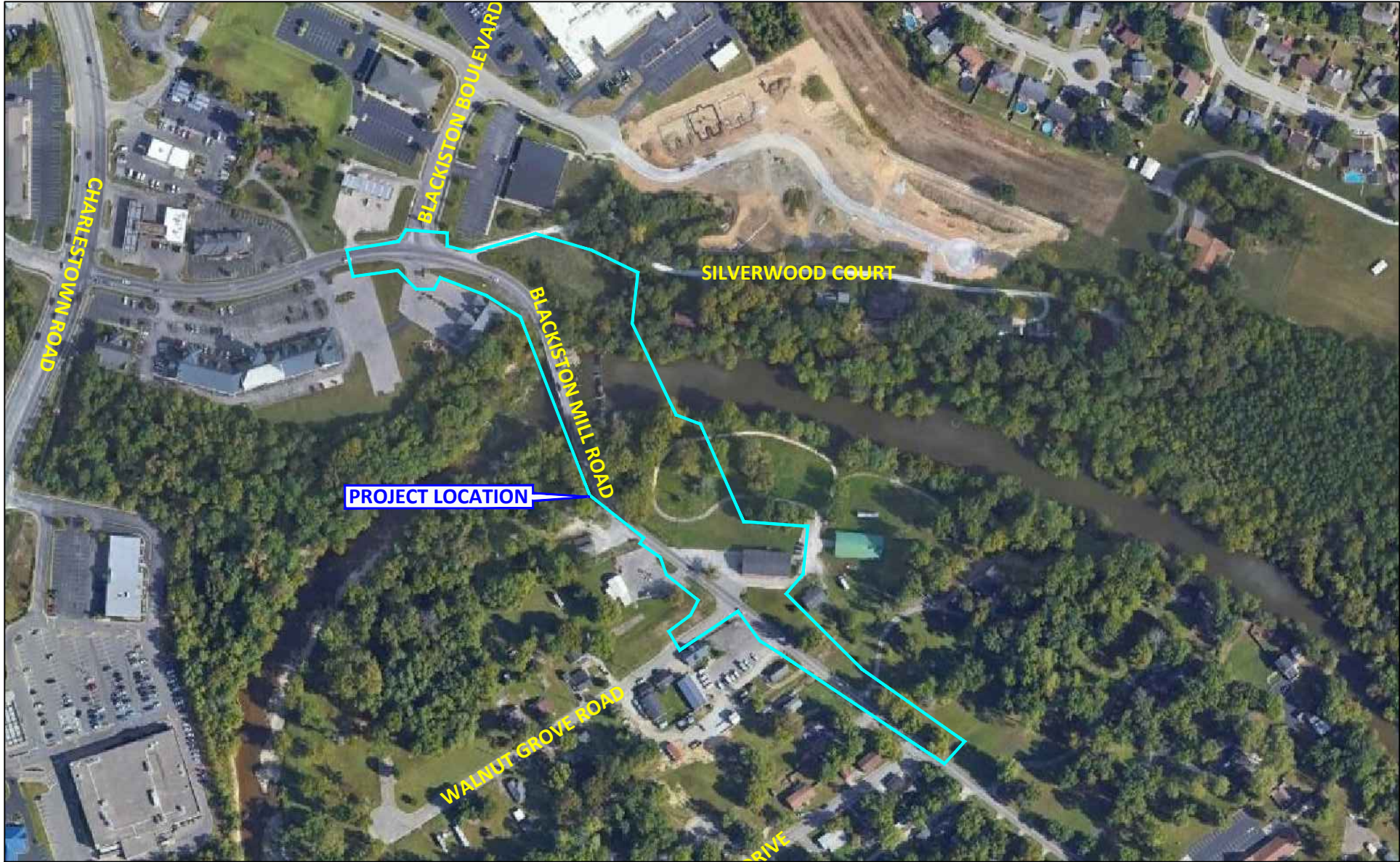
P:\2018\18-0145 - JTL - Floyd Co - Blackiston Mill Rd Bridge 51 Project\4 - Deliverables\Exhibits\EC\Topo Map - 2021.dwg

**USGS Topographic Map**  
 Bridge Project  
 Blackiston Mill Road Over Silver Creek  
 New Albany and Jeffersonville Townships,  
 Floyd and Clark Counties, Indiana  
 Des. No. 1700788  
 Metric Project # 18-0145

Note: All locations are approximate  
 Base map:  
 2019 New Albany, IN  
 7.5 Minute Quadrangle



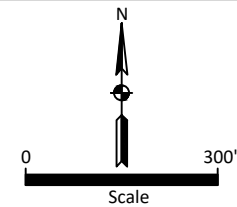
	Drawn by: <u>ILJ</u>
	Checked by: <u>SC</u>
	Approved by: <u>JRP</u>
	Date: <u>January, 2021</u>



Source: Google Map Pro

**2019 Aerial Photograph**  
 Bridge Project  
 Blackiston Mill Road over Silver Creek  
 New Albany and Jeffersonville Townships,  
 Floyd and Clark Counties, Indiana  
 Des. No. 1700788  
 Metric Project # 18-0145

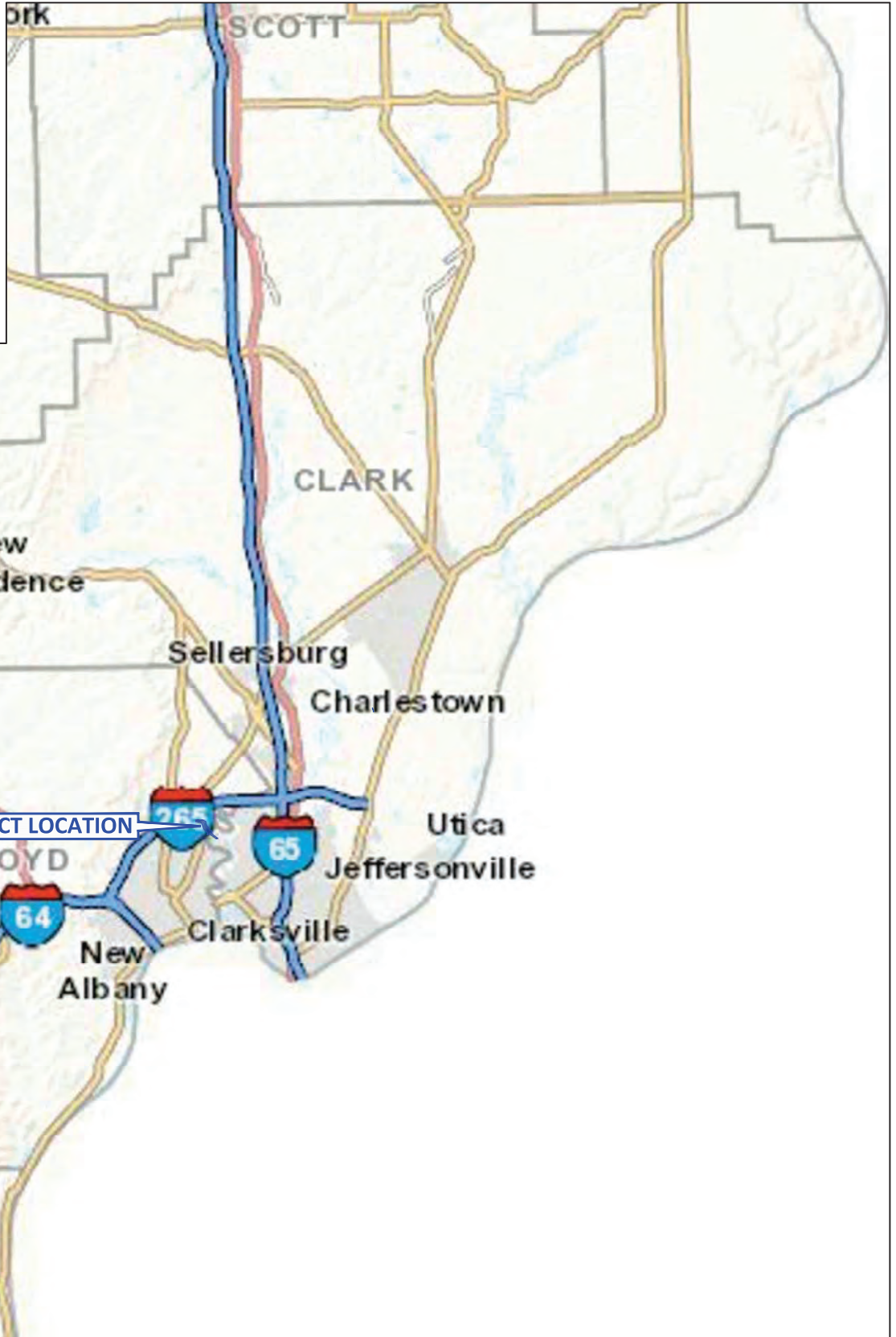
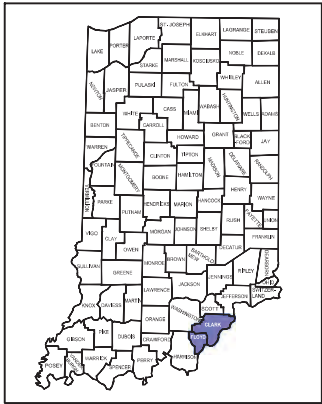
Note: All locations are approximate



Drawn by: ILJ  
 Checked by: SC  
 Approved by: JRP  
 Date: January, 2021

**APPENDIX B: Graphics**  
**Part 1: Pages B-1 to B-43**





P:\2018\18-0145 - JTL - Floyd Co. - Blackiston Mill Rd Bridge 51 Project\4 - Deliverables\Exhibits\EC\Location Map - 2021.dwg

Source: <http://maps.indiana.edu/>

**Location Map**  
 Bridge Project  
 Blackiton Mill Road Over Silver Creek  
 New Albany and Jeffersonville Townships,  
 Floyd and Clark Counties, Indiana  
 Des. No. 1700788  
 Metric Project # 18-0145

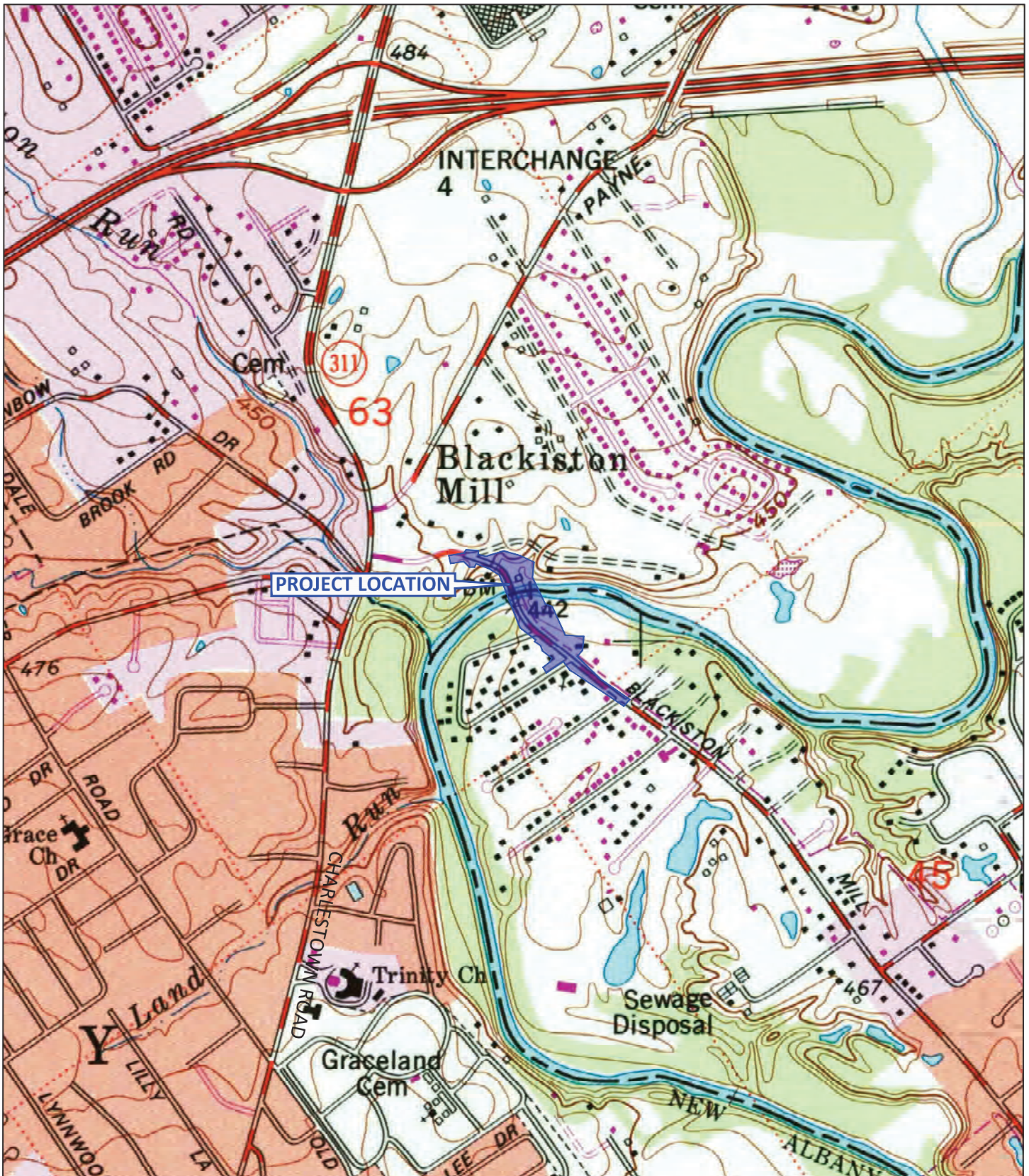
All locations approximate



Not to Scale



Drawn by: ILJ  
 Checked by: SC  
 Approved by: JRP  
 Date: January, 2021

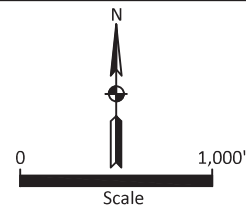


Source: <https://ngmdb.usgs.gov/topoview/viewer/#14/38.3343/-85.7949>

P:\2018\18-0145 - JTL - Floyd Co - Blackiston Mill Rd Bridge 51 Project\4 - Deliverables\Exhibits\EC\Topo Map - 1992.dwg

**USGS Topographic Map**  
 Bridge Project  
 Blackiton Mill Road Over Silver Creek  
 New Albany and Jeffersonville Townships,  
 Floyd and Clark Counties, Indiana  
 Des. No. 1700788  
 Metric Project # 18-0145

Note: All locations are approximate  
 Base map:  
 1992 New Albany, IN  
 7.5 Minute Quadrangle



**METRIC ENVIRONMENTAL**

Drawn by: ILJ  
 Checked by: SC  
 Approved by: JRP  
 Date: January, 2021