

**NOTICE OF APPLICATION FOR FEDERAL CONSISTENCY REVIEW  
LAKE MICHIGAN COASTAL ZONE PROGRAM**

**Project Number:** ER-17021-1

**Name of Applicant:** Nicholas Minich

**Address of Applicant:**

SEH of Indiana, LLC  
9200 Calumet Avenue, Suite N300  
Munster, IN 46321

**Project Description:**

Calumet Trail Rehab along about 11,680', from Mineral Springs Road to Tremont Road; Des #1173594

**Location of Project:** Porter, IN

**Send comments to the following no later than November 23, 2013:**

Federal Consistency Review Coordinator, Environmental Unit  
Division of Fish and Wildlife  
Department of Natural Resources  
402 West Washington Street, Room W273  
Indianapolis, IN 46204  
Electronic mail: [environmentalreview@dnr.in.gov](mailto:environmentalreview@dnr.in.gov)

**Copies of the request, accompanying information and data are available for inspection at the following location:**

Environmental Unit  
Division of Fish and Wildlife  
Department of Natural Resources  
402 West Washington Street, Room W273  
Indianapolis, IN 46204



November 6, 2013  
SEH Job No. PORTE 122184

Ms. Erin Basiger  
Statewide Region Environmental Biologist  
Environmental Unit  
Division of Fish and Wildlife  
Indiana Department of Natural Resources  
402 W. Washington St., Room W273  
Indianapolis, IN 46204

RE: Calumet Trail Rehab from Mineral Springs to Tremont Rd. – Porter County, IN  
Request for Federal Consistency Review and Determination  
INDOT Des # 1173594

Dear Ms. Basiger

Porter County intends to proceed with a project involving the aforementioned trail reconstruction. This letter is requesting federal consistency review and determination for this project. The proposed activity complies with Indiana's approved coastal management program and will be conducted in a manner consistent with such program.

**PROJECT DESCRIPTION:**

The Calumet Trail is a 9.1 mile non-motorized recreational trail in northern Porter County used by bicyclists and pedestrians. The trail is located north of US Hwy 12 and begins near Mineral Springs Road, at its western terminus and continues east to the Porter/LaPorte County border near Michigan City. Porter County has been awarded a Federal Transportation Enhancement (TE) grant for the reconstruction of the Calumet Trail including an approximately 11,680 foot portion of the Calumet Trail from Mineral Springs Road, through a NIPSCO utility corridor, to Tremont Road (in Section 24, Township 37 North, Range 6 West, all in, Westchester Township, Porter County, Indiana).

The Calumet Trail was identified in the Marquette Plan, Marquette Greenway Plan, the State's Green Moves Report, Northwestern Indiana Regional Planning Commission's (NIRPC) Ped and Pedal Plan and the Porter County Corridor Plan as a key east-west non-motorized regional trail connector through northern Porter County; however, current trail surface conditions severely limit use. Generally, trail conditions range from adequate to very poor.

The purpose of this Project is to improve the trail surface and drainage conditions adjacent to the trail in order to enhance and make usable this key non-motorized regional trail connector. Currently the trail is gravel and experiences severe flooding issues in several areas, which make the trail impassable at times. According to a 2009 Calumet Trail Revitalization Feasibility study, the trail is deteriorated in some areas to the point that only a "single track" width of gravel remains. The existing trail width varies from 2 feet at the narrowest to 8 feet in the widest sections.

The reconstructed trail will follow the approximate horizontal alignment of the existing aggregate trail unless changes are necessary to meet technical or experiential criteria. The proposed trail cross section includes up to approximately 11,680 lineal feet of 10-foot wide HMA surface trail with 2-foot aggregate shoulders; 1-foot concrete ribbon curb may be used in order to narrow the trail section where adjacent to sensitive wetlands. The trail Project may also include the construction of strategically located drainage improvements, site furnishings, wayfinding and other trail/trailhead enhancements. The design of the trail will be based on AASHTO and INDOT guidelines for development of bicycle and pedestrian facilities. Due to the environmentally sensitive nature of the corridor, the trail will utilize environmental best practices and sustainable materials to the maximum extent possible within the design and budgetary parameters.

This Project will impact wetlands and may require mitigation; the Project may also require an Individual Section 401 Water Quality Certification and a USACE 404 Permit. Over one acre of area will be disturbed and Rule 5 Notice of Intent will be required. Part of the trail crosses a floodway, however it is not anticipated that a DNR Construction in a Floodway Permit will be required; the drainage area at the downstream end of the proposed drainage structure is less than 1 square mile.

Enclosed please find the following to assist in your review:

1. Location Map showing area of improvements. (Project Location Map)
2. Scaled Aerial photo depicting the Existing and Proposed Trail Alignment. (Trail Layout Exhibit)

Porter County (Project Sponsor) Contact / Employee in Responsible Charge:

Robert Thompson  
Executive Director/County Planner  
Porter County Plan Commission  
155 Indiana Ave., Suite 311  
Valparaiso, IN 46383  
Ph: 219-465-3540  
RThompson@porterco.org

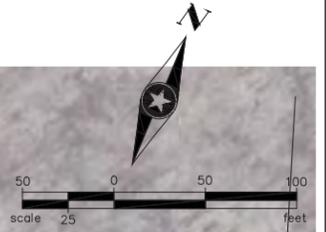
If you require additional information or have any questions please contact me at 219-513-2506 or nminich@sehinc.com. Thank you.

Sincerely,  
SEH OF INDIANA



Nicholas Minich, P.E.  
Professional Engineer





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 DESIGNER: JLT  
 CHECKED BY: NFM

DESIGN TEAM	NO.	BY	DATE	REVISIONS



PHONE: 219.513.2500  
 9200 CALUMET AVE SUITE N300  
 MUNSTER, IN 46321  
 www.sehinc.com

**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

**TRAIL LAYOUT EXHIBIT**

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 11/19/2012

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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

TRAIL LAYOUT EXHIBIT

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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

**TRAIL LAYOUT EXHIBIT**

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**SEH**  
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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

**TRAIL LAYOUT EXHIBIT**

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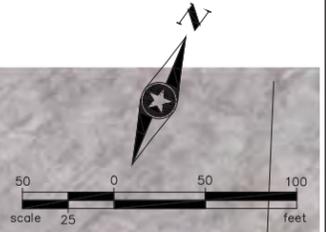


**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

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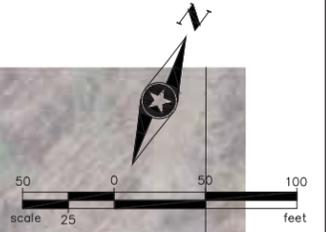
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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

**TRAIL LAYOUT EXHIBIT**

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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

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**CALUMET TRAIL REVITALIZATION  
 PORTER, INDIANA**

**TRAIL LAYOUT EXHIBIT**

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**THIS IS NOT A PERMIT**

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

**DNR #:** ER-17021

**Request Received:** May 23, 2013

**Requestor:** SEH of Indiana Incorporated  
Nicholas F Minich, PE  
9200 Calumet Avenue, Suite N300  
Munster, IN 46321

**Project:** Calumet Trail Rehab along 11,600' from Mineral Springs Road to Tremont Road; Des #1173594

**County/Site info:** Porter

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

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

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

**Natural Heritage Database:** The Natural Heritage Program's data have been checked. The species in the attached list have been recorded within ½ mile of the project area. Due to the large number of state listed species within the project corridor and that much of the area immediately adjacent to the trail is wetland, the Division of Nature Preserves (DNP) recommends that the trail stay within the original right-of-way/footprint to eliminate impacts to the high quality natural communities that support the endangered, threatened, and rare species.

Also, Indiana Dunes State Park (trail crosses access point), Dunes Prairie Nature Preserve, and Indiana Dunes National Lakeshore are managed areas that occur within 1/2 mile of the project. DNP does not anticipate any impacts to the nature preserve; however, the State Park and the National Lakeshore should be contacted if the project will impact these areas in any way.

**Fish & Wildlife Comments:** We do not foresee any impacts to the listed bird species with a slight widening of the existing trail; however, we recommend avoiding or minimizing any encroachment into marshy or forested areas.

For any construction taking place between March 1 and October 31, we recommend that an exclusion/drift fence be placed around all work areas to prevent spotted turtles or Northern leopard frogs from entering the area. No holes or depressions within the work area should be left uncovered over night. Any turtles, snakes, or frogs (regardless of species) found within the construction boundary prior to or during construction should be relocated to the other side of the drift fence and away from the work area. No exclusion fence is needed outside of the March 1 through October 31 timeframe.

An accredited herpetologist must be hired to translocate state or federally listed herps from current locations within the construction area to an area of suitable habitat. Also, we recommend contacting and coordinating with Sarabeth Klueh-Mundy, Division of Fish and Wildlife herpetologist, at (812) 334-1137 or sklueh-mundy@dnr.in.gov for guidance regarding development of herpetile removal plans. Removal of any state endangered species will require a permit issued by the Division of Fish and Wildlife.

**Attachments:** A - General Information

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

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Please contact Linnea Petercheff at (317) 233-6527 or [lpetercheff@dnr.in.gov](mailto:lpetercheff@dnr.in.gov) regarding this permit, if needed.

Avoid and minimize impacts to fish, wildlife, and botanical resources (including forested or marshy areas) to the greatest extent possible, and compensate for impacts. The trail should stay within the footprint of the existing trail to the greatest extent possible, or within the utility right-of-way at a minimum. The following are recommendations that address potential impacts identified in the proposed project area:

**A) Riparian Habitat:**

If habitat impacts will occur, we recommend a mitigation plan be developed. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/iac/20120801-IR-312120434NRA.xml.pdf>.

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

**B) Wetland Habitat:**

Due to the presence or potential presence of wetlands on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program. Impacts to wetlands should be mitigated at the appropriate ratio (see guidelines above).

**C) Trail Guidelines:**

The following is a basic list of guidelines from IDNR Division of Fish and Wildlife to consider when planning trails in or around potential fish, wildlife or botanical resource habitat within the floodway.

1. Place the trail in or adjacent to existing right-of-ways where possible to minimize significant impacts to natural resource habitat. Also, utilize previously disturbed or degraded areas. Align the trail along or near existing man-made edges or areas that have the potential to be restored or enhanced by trail construction (i.e. railroad corridors), rather than routing the trail through previously undisturbed areas.
2. When designing or constructing a trail, disturb as narrow an area as possible to help minimize negative impacts. Where significant impacts to fish, wildlife or botanical resources are likely due to the trail's width, reduce the width to help avoid those impacts. ADA accessibility standards allow departures from the standards under certain conditions, including substantial harm to natural features, habitat, or vegetation (see <http://www.access-board.gov/outdoor/outdoor-rec-rpt.htm>, Application of Accessibility Standards).
3. Do not focus only on the direct impact of the trail's width; also consider the trail's impact to the surrounding habitat. Trails can fragment larger habitat areas and reduce the overall usefulness of the site to fish, wildlife, or botanical resources (1 large habitat block is better than 2 small habitat blocks). Trails can cause significant impacts to forested areas, riparian forested corridors along creeks and rivers, and wetland areas. They also may cause sediment and erosion issues or introduce human disturbance into fairly isolated areas containing wildlife habitat.
4. Avoid unnecessary stream crossings. Instead, make use of or modify existing stream crossings or avoid crossing the stream altogether. Where stream crossings are unavoidable, pedestrian bridges with supports/abutments placed no less than 10ft landward from the tops of the banks on each side of the waterway are recommended.

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Alternatively, a three-sided culvert may be used. Three-sided culverts should be oversized to allow terrestrial wildlife movement along the creek on unsubmerged dry land at normal water levels. Box-culvert or pipe-culvert crossings are not recommended.

5. Trails designed to follow a stream's course must be placed outside the stream's forested riparian buffer. Also, do not place the trail along the tops of the banks of a forested creek. Avoid perpendicular fragmentation of riparian areas (streamside habitat). Where the stream has little or no forested riparian buffer, the trail should be no closer than 15' from the tops of the banks.

6. Avoid sensitive fish, wildlife, or botanical resources entirely; trails may negatively affect species that require specific natural conditions (vegetation, light levels, moisture, etc.) that are altered as a result of trail construction. All sensitive wildlife habitats such as wetlands should be avoided by placing the trail around the wetland and screening the habitat from the trail and trail users with a buffer of native vegetation or another method as discussed below.

7. Raised boardwalks should be constructed in wet areas or near wetlands (trails through wetlands are not recommended). A material such as composite decking should be used rather than treated wood which can leach elements toxic to aquatic life.

8. Screen wildlife habitat from the trail corridor. Vegetation, topography, and fences can help reduce the impact of noise and line of site disturbances of trail users on wildlife. Walls can create wildlife movement barriers and potential impacts must be considered. Native grass buffers (2'-3' tall) are recommended along the edge of trails near habitat such as wetlands.

9. Lighting should only be used when absolutely necessary. Lighting in forested areas and along creeks, streams, and rivers should be the lowest intensity feasible and shielded to cast light on the path and not diffused into the surroundings to avoid disturbing wildlife circadian rhythms and disorienting night-migrating birds.

10. Any plantings in the riparian areas should be locally native species, not exotic species or horticultural varieties/cultivars (e.g. "Autumn Blaze" Red Maple). Lists of appropriate native vegetation are available in the DNR Habitat Mitigation Guidelines document at <http://www.in.gov/legislative/iac/20120801-IR-312120434NRA.xml.pdf>.

11. Trail surfaces can have negative effects on surrounding natural areas and deter movement of some species across the trail. Some surface materials are more environmentally acceptable than others, such as mulch and mown grass. Asphalt is not recommended as a trail surface in the floodway. The conventional maintenance for aging asphalt is to seal it with a blacktop or asphalt sealer. Research has shown that as these sealers break down over time, they move into the aquatic environment and are highly toxic to aquatic life. If asphalt is used then asphalt sealer should not be used for long-term maintenance and repair of the asphalt trail surface. In previously disturbed areas, concrete is an acceptable surface material. In forested areas or areas where drainage is important, porous concrete can be used.

12. Shoulders should be constructed using unconsolidated materials where possible. In some situations, solid shoulders are necessary. In those cases, shoulders should be constructed using porous concrete.

13. Trails that highlight natural resources should skirt the resource and utilize "pulloffs" at specific sites instead of letting the entire trail and traffic disturb the resource.

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

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.

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

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4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
5. Minimize the movement of resuspended bottom sediment from the immediate project area.
6. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
7. Do not excavate or place fill in any riparian wetland.

**Contact Staff:**

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



**Date:** July 3, 2013

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

## ER-17021: Species list

### I) PLANTS:

#### A. Section 23 (west 1/2):

- 1) State Endangered:
  - a) Jointed Rush (*Juncus articulatus*)
  - b) Northern Bog Clubmoss (*Lycopodiella inundata*)
  - c) Finely-nerved Sedge (*Carex leptoneura*)
- 2) State Threatened:
  - a) Prairie Gray Sedge (*Carex conoidea*)
  - b) Scirpus-like Rush (*Juncus scirpoides*)
  - c) Smaller Forget-me-not (*Myosotis laxa*)
  - d) American Golden-saxifrage (*Chrysosplenium americanum*)
- 3) State Rare:
  - a) Baltic Rush (*Juncus balticus* var. *littoralis*)
  - b) Spoon-leaved Sundew (*Drosera intermedia*)
  - c) American Wintergreen (*Pyrola rotundifolia* var. *Americana*)
  - d) Long Sedge (*Carex folliculate*)
  - e) White-edge Sedge (*Carex debilis* var. *rudgei*)
- 4) Watch List:
  - a) Trailing Arbutus (*Epigaea repens*)
  - b) Ridged Yellow Flax (*Linum striatum*)

#### B. Section 24 (east 1/2):

- 1) State Endangered: Bulrush (*Scirpus expansus*)
- 2) State Rare:
  - a) Eastern Jointweed (*Polygonella articulata*)
  - b) Long Sedge (*Carex folliculate*)
  - c) Fire Cherry (*Prunus pensylvanica*)
- 3) Watch List:
  - a) Dwarf Ginseng (*Panax trifolius*)
  - b) Butternut (*Juglans cinerea*)
  - c) American Ginseng (*Panax quinquefolius*)

#### C. Section 18 (northeast end):

- 1) State Endangered: Northern shorthusk (*Brachyelytrum aristosum*)
- 2) State Rare: American Cow-wheat (*Melampyrum lineare*)

### II) ANIMALS:

#### A. Section 23 (west 1/2):

- 1) State Endangered:
  - a) Spotted Turtle (*Clemmys guttata*)
  - b) Marsh Wren (*Cistothorus palustris*)
  - c) Virginia Rail (*Rallus limicola*)
- 2) State Special Concern: Northern Leopard Frog (*Rana pipiens*)

#### B. Section 18 (northeast end): State Special Concern; Red-shouldered Hawk (*Buteo lineatus*)

