

APPENDIX C- EARLY COORDINATION LETTERS

**EARLY COORDINATION TRANSMITTAL LETTER & MAILING
LIST**

EARLY COORDINATION LETTER RESPONSES

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-Re- US 20 Add Travel Lanes
Des No. 0500328
Elkhart County, IN
Early Coordination Letter

October 20, 2010

Dear --

The Indiana Department of Transportation (INDOT) is undertaking a project on US Route 20 (US 20) in Elkhart County, IN. The project will add travel lanes on US 20 starting at 0.75 miles east of County Road 17 and ending at State Route 15, for a project length of 2.61 miles. The multi-lane Elkhart By-pass ends at the west project limit of this proposed project. US 20 is classified a Rural Minor Arterial, on the National Truck Network, and a Statewide Mobility Corridor in the 2000-2025 Long Range Plan. The posted speed limit is 50 mph and reduces to 40 mph on the west approach to SR 15 intersection. The project location is shown on the State Map Figure A-1 and the USGS Map Figure A-2.

The existing cross-section is a two-lane rural section with 22' wide roadway and 6'-10' wide shoulders. Turn-lanes and passing blisters were added at all public road intersections in 2003 when the shoulders were widened to their current widths. Based on the traffic analysis in 2010, the corridor level of service (LOS) is D and E and by 2030 the no-build will result in a level of service (LOS) of E through the corridor. As expected, due to the LOS within the project limits, a high rate of accidents are occurring. Almost 40% of the accidents between 2005 and 2008 were rear end collisions. This high percent of rear-end collisions indicates traffic congestion.

The purposed project will add two additional travel lanes and tie into the existing cross-section of two lanes in each direction at each end of the project limits. The purposed cross-section includes 10' paved shoulders with two 12' travel lanes in each direction and a 16' flush median. Left-turn lanes will be added as required at each public road intersection. The typical proposed cross-section is shown on Figure A-8. The additional lanes will be added on the existing alignment and the right-of-way (R/W) will be widened from 100-110' to approximately 160'. The project will require the acquisition of strip takes of approximately 15.2 acres from approximately 62 adjacent properties. The proposed roadway centerline may move slightly north and south to reduce the number of structures impacted and the overall number of properties effected. Minor vertical adjustments may be made near intersections to improve site distance. Due to the rural nature of the project area, roadside ditches will be used for surface runoff resulting in a wider R/W compared to a cross-section that utilizes curbs and gutters.

October 20, 2010

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The land use through the corridor consist of commercial properties at each end of the project at CR 19 and SR 15, crop production on agricultural land, single family homes, US Fish and Wildlife Service-National Wetland Inventory mapped wetlands west of CR 23 East Junction, small ditch crossing in a pipe culvert east of CR-23, and the Elcona County Club golf course.

The attached aerials Figures A-3 through A-7 shows the existing roadway, intersections, existing R/W, the proposed roadway, and proposed R/W. The figures also show possible acquisitions/relocations within the project limits. Photographs of the existing conditions within the project limits are shown on the Photo Log, Figures A-9 through A-17. All of the attached figures were prepared by INDOT and included in the Engineer's Report dated February 26, 2010.

We are requesting that your agency return any comments concerning the US 20 project in Elkhart County, IN within 30 days of receipt of this letter. If we do not receive any responses within the 30 days, we will assume that the agency had no comments on the proposed project. All comments received will be incorporated into the Categorical Exclusion document to be completed in 2011.

Please send all comments to:
Richard Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Or by email to:

Richard.Fitch@burgessniple.com.

Thank you for your assistance.

Sincerely,

Richard G. Fitch, AICP

Attachment

Copy: Michael Guzik, PE, Lawson-Fisher Associates
Chanchai Hocharoen, PE, Burgess & Niple

Letter sent to

Field Supervisor
U.S. Fish & Wildlife Service
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403-2121

State Conservationist
Natural Resource Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

Section Head
Environmental Geology Section
Indiana Geological Survey
611 North Walnut Grove
Bloomington, IN 47405

Manager
Aviation Section
Indiana Department of Transportation
Room N901, IGC North
100 North Senate Avenue
Indianapolis, IN 46204

Regional Environmental Coordinator
Midwest Regional Office
National Park Service
601 Riverfront Drive
Omaha, NE 68102

Federal Highway Administration
Federal Office Building, Room 254
575 North Pennsylvania Street
Indianapolis, IN 46204

Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish & Wildlife
Room W264, IGC South
402 West Washington Street
Indianapolis, IN 46204

Regional Environmental Officer
Chicago Regional Office
U.S. Dept. of Housing & Urban Development
Metcalf Federal Building
77 W. Jackson Blvd., Room 2401
Chicago, IL 60604

Chief
Ground Water Section
Indiana Department of Environmental
Management
100 N. Senate Avenue
Indianapolis, IN 46204

U.S. Fish & Wildlife Service
PO Box 2616
Chesterton, IN 46304

Chief
Environmental Analysis Branch
Department of the Army
Detroit District, Corps of Engineers
ATTN: CENCE-PD-EA
P.O. Box 1027
Detroit, MI 48231-1027

Sole Source Aquifer Coordinator
Ground Water and Drinking Water Branch
U.S. EPA, Region 5
77 West Jackson Blvd. WG-15J
Chicago, IL 60604

MACOG
227 West Jefferson Blvd.
1120 County-City Building
South Bend, IN 46601

November 29, 2010

Richard G. Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

RE: DES # 0500328
US 20--Additional Travel Lanes
Elkhart County, Indiana

Dear Mr. Fitch:

The Michiana Area Council of Governments has reviewed the above mentioned project as part of the Early Coordination Process.

This project consists of adding travel lanes to US 20 for 2.61 miles beginning at the eastern terminus of the current US 20 by-pass, Elkhart County and ending approximately 1700 feet east of SR 15, Elkhart County. The project will result in an overall increase in constructed road surface from the current 34-42 feet of road and shoulder width (total 22 feet of travel lanes; 6-10 foot shoulders on each side of travel corridor) to a new road/shoulder width of at least 106 feet. Stormwater runoff/snow melt will be managed through the use of roadside ditches, since curb and gutter storm sewers are not available in this area. Right-of-way will increase from a 100-foot width to approximately 160 feet wide.

Upon review of the proposal as described in your letter of October 20, 2010, the following is recommended:

Wetlands: Wetlands located west of CR 23; just north of US 20 should be accurately delineated to insure that construction activities and subsequent drainage from the expanded road will not impact the network of wetlands that visually appears to be 176 acres or more. Early coordination consultation with US Fish and Wildlife Service is highly recommended to identify the quality of this complex wetlands network and potential endangered, threatened or candidate species that may be associated with this wetland parcel. Permits from both the US Army Corps of Engineers and the Indiana Department of Environmental Management may be required if the wetlands extend into the project area.

Soils: Pockets of potentially unsuitable soils along the corridor were identified during review of soil survey information for Elkhart County. Characteristics of these soils include muck and seasonal high watertables.

Stormwater runoff/snow melt management: The project as proposed will likely increase the hard surface in this corridor by 60.38-67.92 percent. This large hard surface increase will result in a correlated increase in stormwater and snow melt runoff along the corridor. Current roadside ditches along the project area of US 20 appear to be flat and may not accommodate an increase in localized runoff.

A local drainage ditch that crosses US 20 approximately 700 feet east of CR 23 may be at capacity and may not handle additional drainage. Additionally, this lateral discharges to Indian Creek, which is not a large capacity waterbody. Design and reconstruction of SR 15 and the SR 15/US 20 intersection, has resulted in additional surface runoff into the Indian Creek network as the construction project has modified the project roadside ditches, increasing and improving culverts on SR 15 and US 20, both discharging to Indian Creek upstream in that project area.

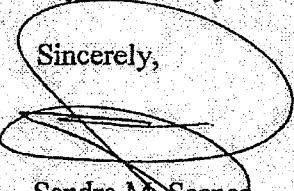
Additional structures such as retention/infiltration/constructed wetlands, etc., should be considered to prevent compromising the waterbody and would reduce any increased volume and water velocity. Without additional structures bank erosion and sloughing, and localized bankfill flooding in Indian Creek during heavy storms could occur. Sediment transport to Pine Creek and eventually the St. Joseph River could occur with bank deterioration upstream. Analysis to determine the ability of the Creek to handle projected increases in stormwater runoff should be considered. Structures should be designed into the corridor that retain, infiltrate or reduce the stormwater runoff associated with this project.

Sole Source Aquifer: This project corridor is in the designated Sole Source Aquifer. If federal funds are used for this project, a review by the US Environmental Protection Agency, Sole Source Aquifer Section is required (William Spaulding, USEPA Sole Source Aquifer Coordinator -- spaulding.william@epa.gov).

Erosion Control: Silt fencing and seeding to insure that disturbed soils do not flow into the local waterways as a result of this project should be properly maintained during and post construction until disturbed soils have been stabilized with a vegetative cover.

If you have any further questions, contact me at sseanor@macog.com or 574-287-1829.

Sincerely,



Sandra M. Seanor
Executive Director

SMS/cjk

Project No. _____ Des. No. 0500328

Project Description: US Route 20 Additional Travel Lanes, Elkhart County, Indiana

Name of Organization requesting early coordination:

Burgess & Niple, Inc.

QUESTIONNAIRE FOR THE INDIANA GEOLOGICAL SURVEY

- 1) Do unusual and/or problem () geographic, () geological, () geophysical, or () topographic features exist within the project limits? Describe:
none
- 2) Have existing or potential mineral resources been identified in this area? Describe:
none
- 3) Are there any active or abandoned mineral resources extraction sites located nearby? Describe: none

This information was furnished by:

Name: Robin Rupp Title: Geologist
Address: 611 North Walnut Grove Bloomington, IN 47405
Phone: 812-855-7428 Date: December 6, 2010



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

October 27, 2010

Mr. Richard Fitch, AICP
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Re: Sole Source Aquifer Review
US Route 20 Additional Travel Lanes
Designation No: 0500328
Elkhart County, IN

Dear Mr. Fitch:

I have reviewed the information you sent regarding the above referenced project. As described, the US Route 20 additional travel lanes project mentioned does not pose a substantial threat to the St. Joseph Sole Source Aquifer System, a Sole Source Aquifer designated under the authority of the Safe Drinking Water Act, Section 1424(e). Adequate design and monitoring plans should be followed to ensure the protection of the aquifer. Unless future developments change the status of the proposal, no modifications or further review under the Sole Source Aquifer Program should be necessary.

As always, we suggest that during construction and operation appropriate safeguards and best management practices for storm water are in place to ensure that ground water is not endangered. Such precautions would include notifying general contractors that the site is sensitive, securing adequate precautions for fueling/servicing large equipment, and developing contingency plans to handle the release of any hazardous materials.

Thank you for your cooperation. If you have any further questions please call me at (312) 886-9262.

Sincerely,

A handwritten signature in black ink, which appears to read "William Spaulding". The signature is written in a cursive, flowing style.

William Spaulding
Sole Source Aquifer Coordinator
Ground Water and Drinking Water Branch

Fitch, Richard

From: Hippensteel, Beth [BHippensteel@dnr.IN.gov]
Sent: Tuesday, October 26, 2010 9:08 AM
To: Fitch, Richard
Subject: ER-15400, Elkhart Co.

Dear Mr. Fitch:

This is a standard informational email in response to your request for an Environmental Review, which was received on October 26, 2010 for the following project:

US 20 construction of additional travel lanes between 0.75 mile east of CR 17 to State Route 15; Des. # 0500328

We would like you to know that the review is in process and a formal response will be forthcoming. Please refer to the ER number in the subject line on all future correspondence regarding this project.

If you have any questions or comments, please contact Christie Stanifer at cstanifer@dnr.in.gov, or at the numbers below.

Christie L. Stanifer
Environmental Coordinator

NEW ADDRESS AS OF MAY 20, 2010
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington St, Room W273
Indianapolis, IN 46204-2781
(317) 232-4080
Fax: (317) 232-8150

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

DNR #: ER-15400 Request Received: October 25, 2010

Requestor: Burgess and Niple Incorporated
Richard G Fitch
5085 Reed Road
Columbus, OH 43220

Project: US 20 construction of additional travel lanes between 0.75 mile east of CR 17 to State Route 15; Des. # 0500328

County/Site info: Elkhart

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

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Avoid areas of concern to fish, wildlife, and botanical resources to the greatest extent possible. Be prepared to demonstrate avoidance, minimization, and mitigation of impacted resources. Following are recommendations for potential impacts identified in the proposed project area:

Any disturbance to the streambed, streambanks, and riparian habitat will require stabilization and revegetation.

1) Stream Crossings

In general, bridges are better than culverts, and 3-sided culverts are better than box or pipe culverts. Wide culverts are better than narrow culverts, and culverts with shorter through lengths are better than culverts with longer through lengths. If box and pipe culverts are used the culvert bottoms should be buried a minimum of 6" (or 20% of the culvert height or diameter, whichever is greater up to a maximum of 2') below the stream bed elevation. Crossings should span the entire channel width (a minimum of 1.2 times the bankfull width). Crossings should maintain the natural stream substrate within the structure. Crossings should have a minimum openness ratio of 0.25. The openness ratio is defined as height x width / length. Stream depth and water velocities in the crossing structure during low-flow conditions should approximate those in the natural stream channel. For crossing replacements, the new crossing should not create conditions that are less favorable for wildlife passage under the structure compared to current conditions.

A level area of natural ground under the structure is ideal for wildlife passage. Instead of riprap, we recommend a smooth-surfaced material such as articulated concrete mats (or riprap at the toe and turf reinforcement mats above the riprap toe protection) be placed on the side-slopes. Such materials will not impair wildlife movement along the banks under the bridge.

Attachments: A - General Information

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife

Early Coordination/Environmental Assessment

2) Stream Enclosure

Projects that propose to enclose a stream are subject to mitigation. Piping a waterway, placing a 4-sided culvert, or any structure that artificially contains the creek on all sides are examples of stream enclosure. This type of practice results in significant impacts to wildlife resources and if proposed, alternative project designs should be considered. The Environmental Unit recommends bridges rather than culverts and bottomless culverts rather than box or pipe culverts. These structures maintain the natural stream bottom, which is critical for wildlife use of the stream. Natural stream bottoms allow for easier wildlife movement, maintain essential habitat, and provide resting and feeding locations. If 150 feet or more is enclosed, mitigation to offset the in-stream and riparian habitat impacts is needed. This level of mitigation can include restoration or enhancement of habitat along the stream near the area of impact equal to the length of the impact. Bioengineering along the streambank to reduce erosion, creating and protecting the floodplain for overbank flow, planting riparian vegetation along the top of the bank, creating in-stream habitat similar to what was lost, and other habitat improvements are possible examples of mitigation.

3) Bank Stabilization

Establishing vegetation along the banks is critical for stabilization and erosion control. In addition to vegetation, some other form of bank stabilization may be required. While hard armoring alone (e.g. riprap or glacial stone) may be required in certain instances, soft armoring and bioengineering techniques should be considered first. In many instances, one or more method is necessary to increase the likelihood of vegetation establishment. Combining vegetation with most bank stabilization methods can provide additional bank protection while not compromising the benefits to fish and wildlife. The following is a link to a USDA / NRCS document that outlines many different bioengineering techniques for streambank stabilization:

<http://directives.sc.egov.usda.gov/17553.wba> (Choose Handbooks; Title 210 Engineering; National Engineering Handbook; Part 650 Engineering Field Handbook. Choose Chapter 16 from next window).

Riprap should not be placed in the active thalweg channel or placed in the streambed in a manner that precludes fish or aquatic organism passage (riprap should not be placed above the existing streambed elevation). Riprap may be used only at the toe of the sideslopes up to the ordinary high water mark (OHWM). The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.

4) Riparian Habitat

Impacts that remove trees from a non-wetland, riparian area require mitigation. When one or more acres of non-wetland forest are removed, replacement is at a 2:1 ratio based on area. If less than one acre of non-wetland forest is removed in a rural setting, replacement is at a 1:1 ratio based on area. If less than one acre of non-wetland forest is removed in an urban setting, the mitigation requirement involves planting five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height (5:1 mitigation based on the number of large trees). A native riparian forest mitigation plan should use at least 5 canopy trees and 5 understory trees or shrubs selected from the Woody Riparian Vegetation list (copy enclosed) or an approved equal. A native riparian forest mitigation plan for impacts of less than one acre in an urban area may involve fewer numbers of species and sizes of trees, depending on the level of impact.

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife

Early Coordination/Environmental Assessment

Additionally, a native herbaceous seed mixture should be planted consisting of at least 10 species of grasses, sedges, and wildflowers selected from the Herbaceous Riparian Vegetation list (copy enclosed) or an approved equal.

5) Wetland Habitat

Impacts to wetlands should be mitigated at the appropriate ratio. For more information, see <http://www.in.gov/legislative/register/20061213-IR-312060562NRA.xml.pdf>. 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 United States Army Corps of Engineers (USACE) 404 program.

Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measures.

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.

Minimize and contain within the project limits in-channel disturbance and the clearing of trees and brush.

Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.

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.

Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.

Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.

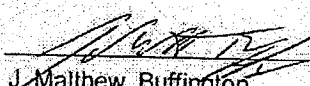
Do not deposit or allow demolition materials or debris to fall or otherwise enter the waterway.

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.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife

Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.


J. Matthew Buffington
Environmental Supervisor
Division of Fish and Wildlife

Date: December 6, 2010

Attachments: A - General Information

Herbaceous Riparian Vegetation

Common Name	Scientific Name	Size / Class	Indicator
Hog-Peanut	<i>Amphicarpaea bracteata</i>	herbaceous vine	FAC
Ground-Nut	<i>Apios americana</i>	herbaceous vine	FACW
Panicle Aster	<i>Aster lanceolatus</i>	wildflower	FACW
Side-Flowering Aster	<i>Aster lateriflorus</i>	wildflower	FACW-
False Nettle	<i>Boehmeria cylindrica</i>	wildflower	OBL
Blue-Joint Grass	<i>Calamagrostis canadensis</i>	grass	OBL
Emory's Sedge	<i>Carex emoryi</i>	sedge	OBL
Shoreline Sedge	<i>Carex hyalinolepis</i>	sedge	OBL
Lakebank Sedge	<i>Carex lacustris</i>	sedge	OBL
Larger Straw Sedge	<i>Carex normalis</i>	sedge	FACW
Hairy-Fruit Sedge	<i>Carex trichocarpa</i>	sedge	OBL
Fox Sedge	<i>Carex vulpinoidea</i>	sedge	OBL
Wild or Streambank Chervil	<i>Chaerophyllum procumbens</i>	wildflower	FAC+
Wood-Reed	<i>Cinna arundinacea</i>	grass	FACW
Honewort	<i>Cryptotaenia canadensis</i>	wildflower	FAC
American Beakgrass	<i>Diarrhena americana</i>	grass	FACU
Wild Cucumber	<i>Echinocystis lobata</i>	herbaceous vine	FACW-
Canada Wild Rye	<i>Elymus canadensis</i>	grass	FAC-
Virginia Wild Rye	<i>Elymus virginicus</i>	grass	FACW-
Riverbank Wild Rye	<i>Elymus riparius</i>	grass	FACW
Spotted Joe-Pye-Weed	<i>Eupatorium maculatum</i>	wildflower	OBL
Boneset	<i>Eupatorium perfoliatum</i>	wildflower	FACW+
White Snakeroot	<i>Eupatorium rugosum</i>	wildflower	FACU
White Avens	<i>Geum canadense</i>	wildflower	FAC
Fowl Manna Grass	<i>Glyceria striata</i>	grass	OBL
False Sunflower	<i>Heliopsis helianthoides</i>	wildflower	FAC-
Bottlebrush Grass	<i>Hystrix patula</i>	grass	FACU
Orange Jewelweed	<i>Impatiens capensis</i>	wildflower	FACW
Yellow Jewelweed	<i>Impatiens pallida</i>	wildflower	FACW
Soft Rush	<i>Juncus effusus</i>	rush	OBL
Wood Nettle	<i>Laportea canadensis</i>	wildflower	FACW
Rice Cut Grass	<i>Leersia oryzoides</i>	grass	OBL
White Grass	<i>Leersia virginica</i>	grass	FACW
Great Blue Lobelia	<i>Lobelia siphilitica</i>	wildflower	FACW+
American Bugleweed	<i>Lycopus americanus</i>	wildflower	OBL
Virginia Blue Bells	<i>Mertensia virginica</i>	wildflower	FACW
Hairy Sweet-Cicely	<i>Osmorhiza claytonii</i>	wildflower	FACU
Switch Grass	<i>Panicum virgatum</i>	grass	FAC+
Wild Blue Phlox	<i>Phlox divaricata</i>	wildflower	FACU
Clearweed	<i>Pilea pumila</i>	wildflower	FACW
Green-Headed Coneflower	<i>Rudbeckia laciniata</i>	wildflower	FACW+
Three-Lobed Coneflower	<i>Rudbeckia triloba</i>	wildflower	FAC-
Clustered Black-Snakeroot	<i>Sanicula odorata</i>	wildflower	FAC+
Dark Green Bulrush	<i>Scirpus atrovirens</i>	bulrush	OBL

Wool-Grass	<i>Scirpus cyperinus</i>	bulrush	OBL
River Bulrush	<i>Scirpus fluviatilis</i>	bulrush	OBL
Drooping Bulrush	<i>Scirpus pendulus</i>	bulrush	OBL
Soft-Stem Bulrush	<i>Scirpus validus</i>	bulrush	OBL
Cup-Plant	<i>Silphium perfoliatum</i>	wildflower	FACW-
Late Goldenrod	<i>Solidago gigantea</i>	wildflower	FACW
Prairie Cordgrass	<i>Spartina pectinata</i>	grass	FACW+
American Germander	<i>Teucrium canadense</i>	wildflower	FACW-
Blue Vervain	<i>Verbena hastata</i>	wildflower	FACW+
Wingstem	<i>Verbesina alternifolia</i>	wildflower	FACW

Woody Riparian Vegetation

Common name	Species name	Region 3 status	Type of plant	Tree, Shrub, Vine	Region (N, C, S) Conservatism	Comment
Box Elder	Acer negundo	FACW-	Large Understory Tree	T	N, C, S	1
Black Maple	Acer nigrum	FAC	Large Canopy Tree	T	N, C, S	6
Red Maple	Acer rubrum	FAC	Large Canopy Tree	T	N, C, S	5
Silver Maple	Acer saccharinum	FACW	Large Canopy Tree	T	N, C, S	1
Sugar Maple	Acer saccharum	FACU	Large Canopy Tree	T	N, C, S	4
Ohio Buckeye	Aesculus glabra	FAC+	Large Understory Tree	T	N, C, S	5
Indigobush	Amorpha fruticosa	FACW-	Medium Shrub	S	S	3
Black Chokeberry	Aronia melanocarpa	FACW-	Medium Shrub	S	N, C, S	8
Purple Chokeberry	Aronia prunifolia	FACW	Medium Shrub	S	N	8
Common Paw Paw	Asimina triloba	FAC	Small Understory Tree	T	N, C, S	6
River Birch	Betula nigra	FACW	Small Canopy Tree	T	N, S	2
American Hornbeam	Carpinus caroliniana	FAC	Medium Understory Tree	T	N, C, S	5
Bitternut Hickory	Carya cordiformis	FAC	Large Canopy Tree	T	N, C, S	5
Pecan	Carya illinoensis	FACW	Large Canopy Tree	T	S*	4
Shelbark Hickory	Carya laciniosa	FACW	Large Canopy Tree	T	N, C, S	8
Shagbark Hickory	Carya ovata	FACU	Large Canopy Tree	T	N, C, S	4
Sugarberry	Celtis laevigata	FAOW	Large Understory Tree	T	S	7
Hackberry	Celtis occidentalis	FAC-	Large Canopy Tree	T	N, C, S	3
Buttonbush	Cephalanthus occidentalis	OBL	Medium Shrub	S	N, C, S	5
Redbud	Cercis canadensis	FACU	Small Understory Tree	T	N, C, S	3
Alternate-leaf Dogwood	Cornus alternifolia	FACU-	Small Understory Tree	T	N, C, S	8
Pale Dogwood (formerly Silky Dogwood)	Cornus obliqua	FACW+	Medium Shrub	S	N, C, S	5
Roughleaf Dogwood	Cornus drummondii	FAC-	Medium Shrub	S	N, C, S	2
Flowering Dogwood	Cornus florida	FACU-	Small Understory Tree	T	N, C, S	4
Gray Dogwood	Cornus racemosa	FACW-	Medium Shrub	S	N, C, S	2
Red-osier Dogwood	Cornus sericea	FACW	Medium Shrub	S	N	4
Hazelnut	Corylus americana	FACU-	Medium Shrub	S	N, C, S	4
Cockspur Hawthorn	Crataegus crus-galli	FAC	Small Understory Tree	T	N, C, S	4

Downy Hawthorn	Crataegus mollis	FACW-	Small Understory Tree	T	N, C, S	2	
Dotted hawthorn	Crataegus punctata		Small Understory Tree	T	N, C, S	2	Okay in floodplains; not in extreme southwestern counties
Persimmon	Diospyros virginiana	FAC	Medium Understory Tree	T	S	2	
American Beech	Fagus grandifolia	FACU	Large Canopy Tree	T	N, C, S	8	
Honey Locust	Gleditsia triacanthos	FAC	Small Canopy Tree	T	N, C, S	1	
Kentucky Coffeetree	Gymnocladus dioica	FACU	Large Canopy Tree	T	N, C, S	4	
Witch Hazel	Hamamelis virginiana	FACU	Small Understory Tree	T	N, C, S	5	
Smooth Hydrangea	Hydrangea arborescens	FACU-	Small Shrub	S	N, C, S	7	
Common Winterberry	Ilex verticillata	FACW+	Medium Shrub	S	N, C, S	8	
Butternut (White Walnut)	Juglans cinerea	FACU+	Small Canopy Tree	T	N, C, S	5	Scattered within range; susceptible to butternut canker
Black Walnut	Juglans nigra	FACU	Large Canopy Tree	T	N, C, S	2	
Spicebush	Lindera benzoin	FACW-	Medium Shrub	S	N, C, S	5	
Sweet Gum	Liquidambar styraciflua	FACW	Large Canopy Tree	T	S	4	
Tuliptree	Liriodendron tulipifera	FACU+	Large Canopy Tree	T	N, C, S	4	
Wild Sweet Crabapple	Malus coronaria		Medium Understory Tree	T	N, C, S	3	
Common Moonseed	Menispermum canadense	FAC	Low Vine	V	N, C, S	5	
Black Gum	Nyssa sylvatica	FAC	Large Understory Tree	T	N, C, S	5	
Hop Hornbeam	Ostrya virginiana	FACU-	Medium Understory Tree	T	N, C, S	2	
Virginia Creeper	Parthenocissus quinquefolia	FAC-	Vine	V	N, C, S	7	
Common Ninebark	Physocarpus opulifolius	FACW-	Small Shrub	S	N, C, S	3	
American Sycamore	Platanus occidentalis	FACW	Large Canopy Tree	T	N, C, S	1	
Eastern Cottonwood	Populus deltoides	FAC+	Large Canopy Tree	T	N, S	8	Scattered within its range
Swamp Cottonwood	Populus heterophylla	OBL	Large Canopy Tree	T	N	2	
Quaking Aspen	Populus tremuloides	FAC	Small Canopy Tree	T	N, C, S	4	Also along riverbanks
American Plum	Prunus americana	UPL	Small Understory Tree	T	N, C, S	1	
Black Cherry	Prunus serotina	FACU	Small Canopy Tree	T	N, C, S	4	
Common Hop-tree	Ptelea trifoliata	FACU+	Medium Shrub	S	N, C, S	5	
White Oak	Quercus alba	FACU	Large Canopy Tree	T	N, C, S	7	
Swamp White Oak	Quercus bicolor	FACW+	Large Canopy Tree	T	N, C, S	5	
Southern Red Oak	Quercus falcata	FACU-	Med.-Lg. Canopy Tree	T	S*	3	Far southern and southwestern counties
Shingle Oak	Quercus imbricaria	FAC-	Medium Canopy Tree	T	N, C, S	3	

Overcup Oak	Quercus lyrata	OBL	Medium Canopy Tree	T	S*	7	Extreme southwestern counties
Bur Oak	Quercus macrocarpa	FAC-	Large Canopy Tree	T	N, C, S	5	
Swamp Chestnut Oak	Quercus michauxii	FACW	Med.-Lg. Canopy Tree	T	S*	7	Far southern and southwestern counties
Chinkapin Oak	Quercus muehlenburgii	UPL	Med.-Lg. Canopy Tree	T	N, C, S	4	Also along well-drained riverbanks
Pin Oak	Quercus palustris	FACW	Small Canopy Tree	T	N, C, S	3	
Northern Red Oak	Quercus rubra	FACU	Large Canopy Tree	T	N, C, S	4	
Shumard Oak	Quercus shumardii	FACW-	Large Canopy Tree	T	C, S	7	
Post Oak	Quercus stellata	FACU-	Sm.-Med. Canopy Tree	T	S*	5	Seasonally swampy woods in SW counties
Staghorn Sumac	Rhus typhina		Large Shrub	S	N	2	
Pasture Gooseberry	Ribes cynosbati	FACW	Small Shrub	S	N, C, S	4	
Carolina Rose	Rosa carolina	FACU-	Small Shrub	S	N, C, S	4	
Peachleaf Willow	Salix amygdaloides	FACW	Small Canopy Tree	T	N	4	
Sandbar Willow	Salix interior	OBL	Medium Shrub	S	N, C, S	1	
Black Willow	Salix nigra	OBL	Large Understory Tree	T	N, C, S	3	
Elderberry	Sambucus canadensis	FACW-	Medium Shrub	S	N, C, S	2	
Bristly Greenbrier	Smilax hispida	FAC	Vine	V	N, C, S	3	
American Bladdernut	Staphylea trifolia	FAC	Medium Shrub	S	N, C, S	5	
Bald Cypress	Taxodium distichum	OBL	Large Canopy Tree	T	S*	10	Only in Vanderburgh, Posey, Warrick, Knox, Gibson Co.
American Basswood	Tilia americana	FACU	Large Canopy Tree	T	N, C, S	5	
American Elm	Ulmus americana	FACW-	Large Canopy Tree	T	N, C, S	3	Susceptible to Dutch elm disease; typically grows as a small understory tree
Slippery Elm	Ulmus rubra	FAC	Large Canopy Tree	T	N, C, S	3	
Nannyberry	Viburnum lentago	FAC+	Medium Shrub	S	N	5	
Black Haw	Viburnum prunifolium	FACU	Medium Shrub	S	N, C, S	4	
Riverbank Grape	Vitis riparia	FACW-	Vine	V	N, C, S	1	
Prickly ash	Zanthoxylum americanum		Medium Shrub	S	N	3	



United States Department of the Interior
Fish and Wildlife Service

Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273



November 16, 2010

Mr. Richard G. Fitch
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, Ohio 43220

Project No.: Des. 0500328
Project: US 20 Additional Travel Lanes
Location: Elkhart County, Indiana

Dear Mr. Fitch:

This responds to your letter dated October 20, 2010, requesting our comments on the aforementioned project.

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

The proposed project consists of the widening of US 20 for 2.61 miles between the current end of the 4 lane section west of CR 19 east to SR 15. The right-of-way will be widened from 100 feet to approximately 160 feet to accommodate two 12-foot travel lanes in each direction, 10-foot paved shoulders, a 16-foot flush median, and roadside ditches ; there will also be left turn lanes at intersections. Approximately 15.2 additional acres of permanent right-of-way will be required.

Land use along existing US 20 is largely rural residential and agriculture, although there is a large golf course on the north side of the road in the CR19-CR21 area; there are commercial and industrial properties at and near the SR 15 intersection. There are woodlands on both sides of the highway along a hillside east of CR 21, and there are woodlands and several wetlands on the north side of the roadway west of CR 23 (east junction).

Based upon a review of the aerial photographs and the proposed right-of-way, the large, high quality Palustrine emergent wetland near CR 23 (Station 205+00) will not be impacted by the project; the smaller open water/emergent wetland adjacent to CR 23 (east junction) (Station 215+00) also will not be directly impacted. However, part of the woodland between them and US 20 will be taken, as will part of the hillside woodland east of CR 21.

Trees lost to the project will need to be mitigated. We support the upland woodland mitigation guidelines of the Indiana Department of Natural Resources contained in their Information Bulletin #17 (<http://www.in.gov/legislative/register/20061213-JR-312060562NRA.xml.pdf>) which states that the standard minimum mitigation ratio for non-wetland forest losses of more than 1 acre is to be 2:1 (2 acres replanted for every acre destroyed), planted as close to the impact site as possible. If the loss involves a total of less than 1 acre of tree removal, 5 trees are to be planted for each tree removed that has a diameter of 10 inches or greater.

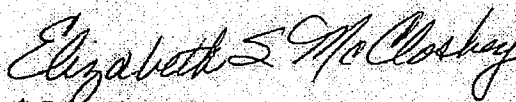
ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and the candidate eastern massasauga rattlesnake (Sistrurus catenatus catenatus). However, there is no known habitat for either of these species within the proposed project area, so we agree that the proposed project is not likely to adversely affect these endangered and candidate species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstitute consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change, please recoordinate with our office as soon as possible. If you have any questions, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,


for Scott E. Pruitt
Supervisor

cc: Christie Stanifer, Environmental Coordinator, Division of Water, Indianapolis, IN
Federal Highway Administration, Indianapolis, IN



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

IN REPLY REFER TO:

November 9, 2010

Planning Office
Environmental Analysis Branch

Mr. Richard Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Dear Mr. Fitch:

This letter is in response to your October 20, 2010, request for comments on the proposed addition of travel lanes on US-20 between County Road #17 and State Road #15 near the city of Elkhart, Elkhart County, Indiana. In accordance with our responsibilities, the following comments are provided under our regulatory and civil works/floodplain management programs.

Our Regulatory Office will review your project proposal for regulatory compliance pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, and will provide a jurisdictional determination (JD) in a separate mailing. The JD will address whether a Department of the Army permit may be required for the project. No activities under the Corps of Engineers' regulatory jurisdiction may commence without prior Corps' authorization.

Our civil works program does not include any current plans to develop waterways in the vicinity of your project; nor do we have any current or proposed flood control studies for the area described in your letter. Review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Enclosure) indicates that the project would not involve work in a Federally-mapped floodplain. We recommend that you coordinate with county officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with county and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain information that any part of your project would in fact impact the flood plain, you should consider other sites. This would be consistent with current Federal policy to formulate projects that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed addition of travel lanes on US-20 between County Road #17 and State Road #15 near the city of Elkhart, Elkhart County, Indiana. Questions regarding our regulatory program should be directed to Mr. Don Reinke, Acting Chief, Enforcement Branch, Regulatory Office, at 313-226-1322. Any other questions may be directed to Mr. Matt McClerren at 313-226-1336 or me at 313-226-7590.

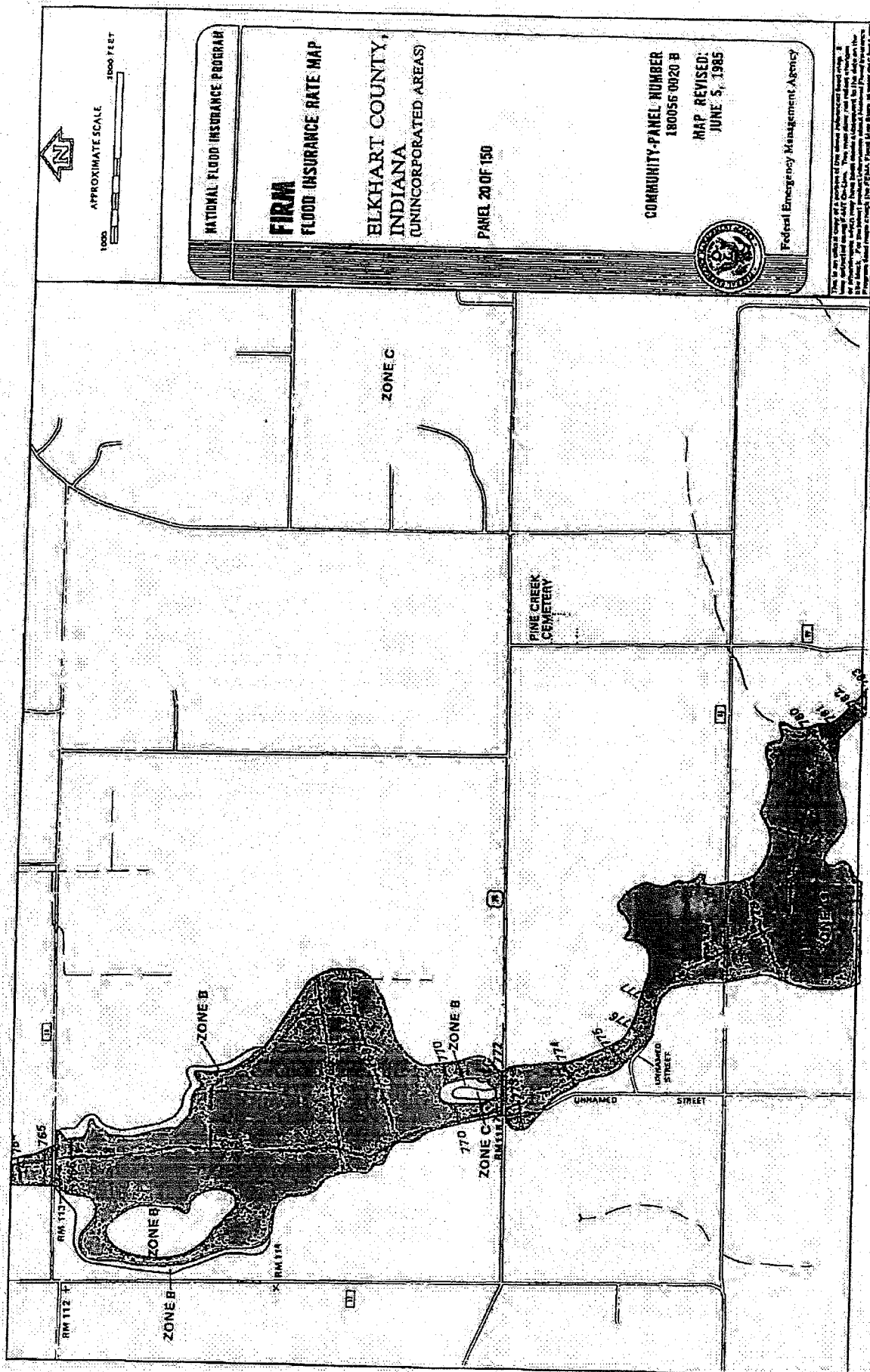
Sincerely,

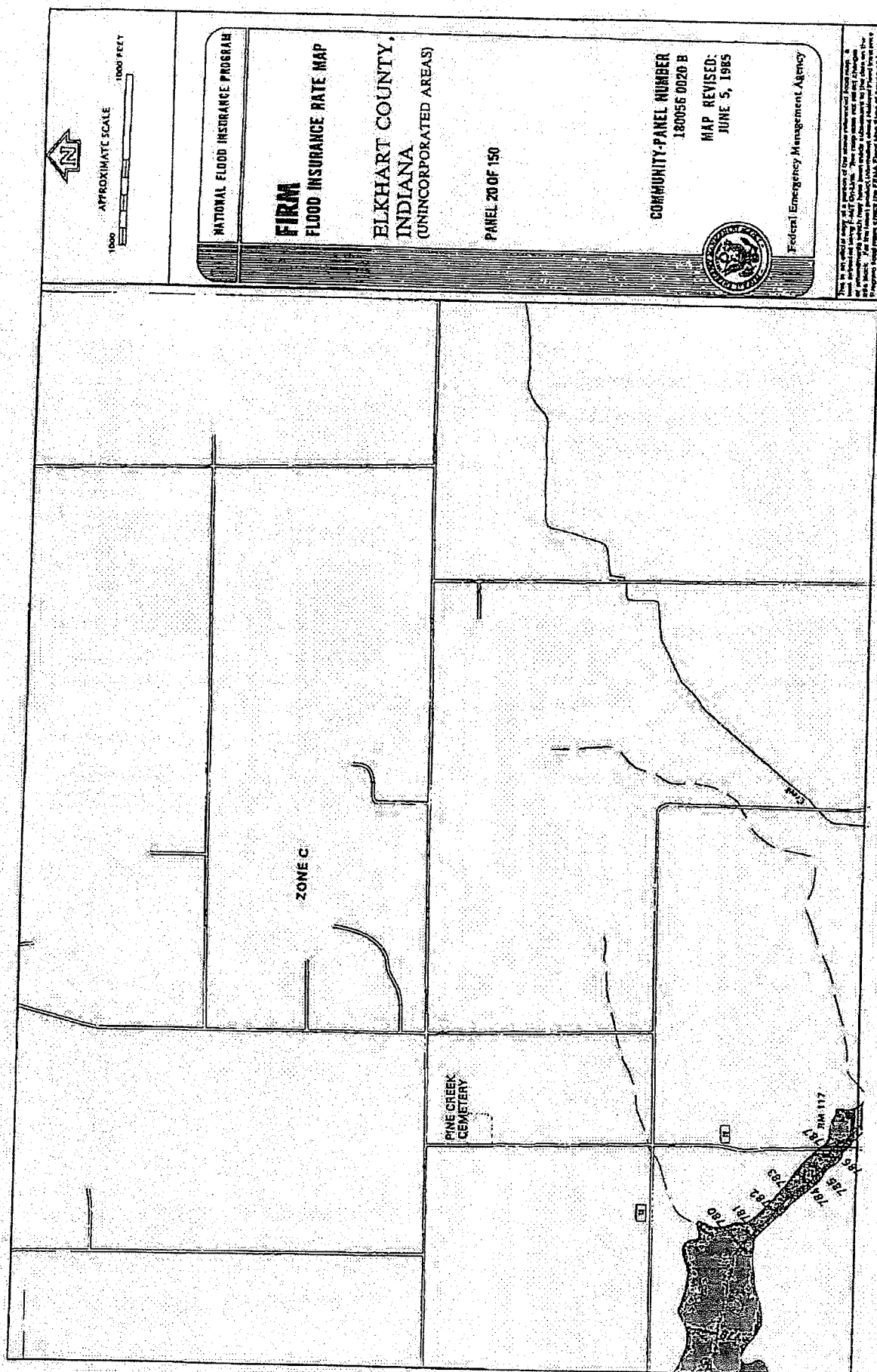


Pam Horner, Acting Chief
Environmental Analysis Branch

Enclosure

Copy furnished: Don Reinke, Corps Regulatory Office, Detroit, MI







BURGESS & NIPLE

Chief
Environmental Analysis Branch
Detroit District, Corps of Engineers,
ATTN: CENCE-PD-EA
P.O. Box 1027
Detroit, MI 48231-1027

Re: USR 20 Additional Travel Lanes
Des. No. 0500328
Elkhart County, Indiana
Early Coordination Letter

October 20, 2010

Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220
614 459-2050
Fax 614 451-1385

Dear Chief:

The Indiana Department of Transportation (INDOT) is undertaking a project on U.S. Route (USR) 20 in Elkhart County, Indiana. The project will add travel lanes on USR 20 starting at 0.75 mile east of County Road (CR) 17 and ending at State Route (SR) 15, for a project length of 2.61 miles. The multi-lane Elkhart Bypass ends at the west project limit of this proposed project. USR 20 is classified as a "Rural Minor Arterial" on the National Truck Network and a "Statewide Mobility Corridor" in the 2000-2025 Long Range Plan. The posted speed limit is 50 miles per hour (mph) and reduces to 40 mph on the west approach to the SR 15 intersection. The project location is shown on the State Map Figure A-1 and the U.S. Geological Survey (USGS) Map Figure A-2 (attached).

The existing cross-section is a two-lane rural section with a 22-foot wide roadway with various shoulder widths between 6 and 10 feet. Turn lanes and passing blisters were added at all public road intersections in 2003 when the shoulders were widened to their current widths. Based on the traffic analysis in 2010, the corridor level of service (LOS) is D and E and by 2030, the no-build will result in a LOS of E through the corridor. As expected, due to the LOS within the project limits, a high rate of crashes are occurring. Almost 40 percent of the crashes between 2005 and 2008 were rear-end collisions. This high percent of rear-end collisions indicates traffic congestion.

The purposed project will add two additional travel lanes and tie into the existing cross-section of two lanes in each direction at each end of the project limits. The purposed cross-section includes 10-foot paved shoulders with two 12-foot travel lanes in each direction and a 16-foot flush median. Left-turn lanes will be added as required at each public road intersection. The typical proposed cross-section is shown on Figure A-8. The additional lanes will be added on the existing alignment and the right-of-way (R/W) will be widened from 100 feet to approximately 160 feet. The project will require the acquisition of strip takes of land of approximately 15.2 acres from approximately 62 adjacent properties. The proposed roadway centerline may move slightly north and south to reduce the number of structures impacted and the overall number of properties effected. Minor vertical adjustments may be made near intersections to improve site distance. Due to the rural nature of the project area, roadside ditches will be used for surface runoff resulting in a wider R/W compared to a cross-section that utilizes curbs and gutters.

October 20, 2010
Page 2

The land use through the corridor consist of commercial properties at each end of the project at CR 17 and SR 15; crop production on agricultural land; single-family homes; U.S. Fish & Wildlife Service, National Wetland Inventory mapped wetlands west of CR 23 East Junction; small ditch crossing in a pipe culvert east of CR-23; and the Elcona County Club golf course.

The attached aerials, Figures A-3 through A-7, show the existing roadway, intersections, existing R/W, the proposed roadway, and proposed R/W. The figures also show possible acquisitions/relocations within the project limits. Photographs of the existing conditions within the project limits are shown on the Photo Log, Figures A-9 through A-17. All of the attached figures were prepared by INDOT and included in the Engineer's Report dated February 26, 2010.

Burgess & Niple, Inc. (B&N) is requesting that your agency return any comments concerning the USR 20 project in Elkhart County, Indiana within 30 days of receipt of this letter. If we do not receive any responses within the 30 days, B&N will assume that the agency had no comments on the proposed project. All comments received will be incorporated into the Categorical Exclusion document to be completed in 2011.

Please send all comments to:

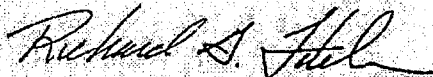
Mr. Richard Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Or by email to:

Richard.Fitch@burgessniple.com

Thank you for your assistance.

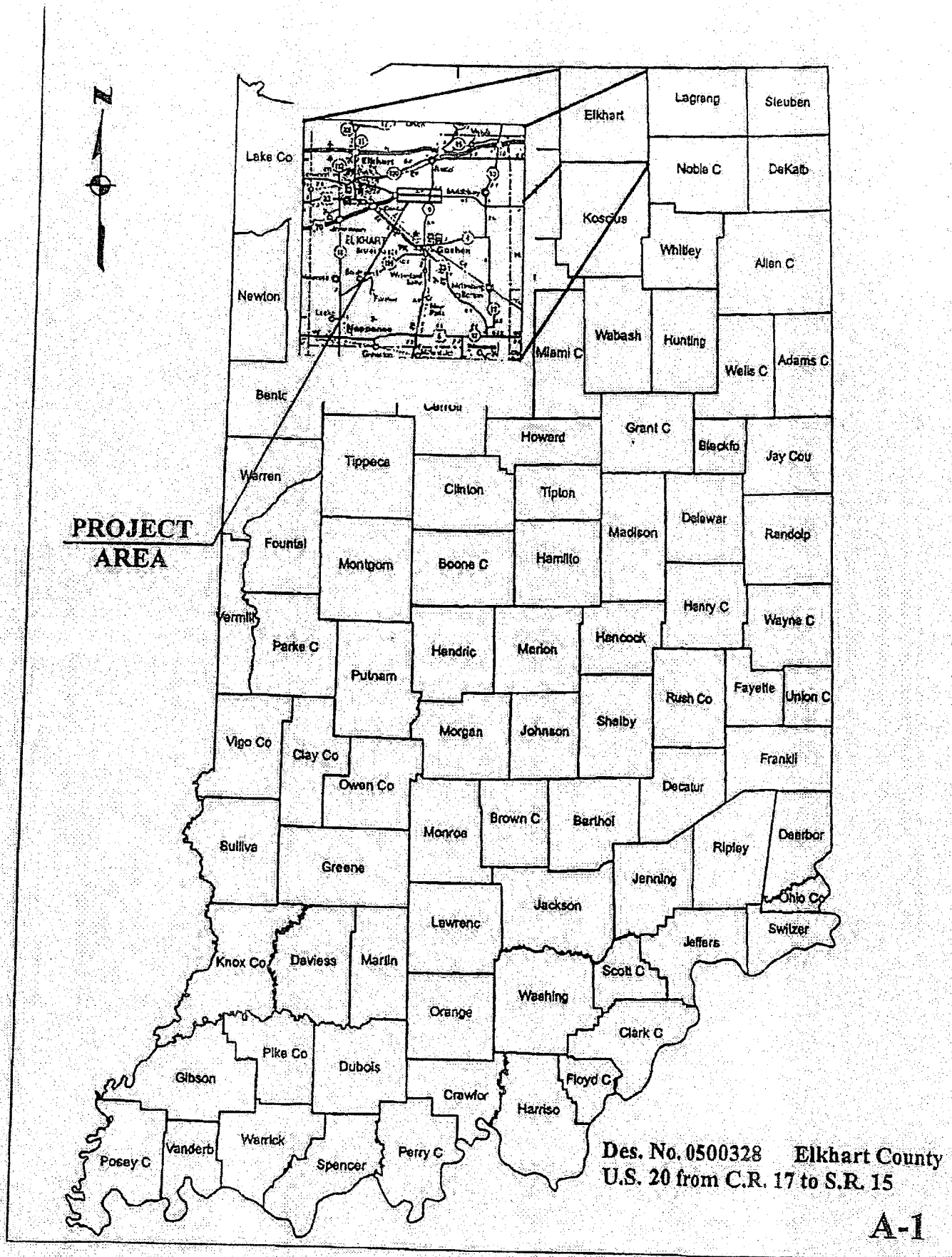
Sincerely,

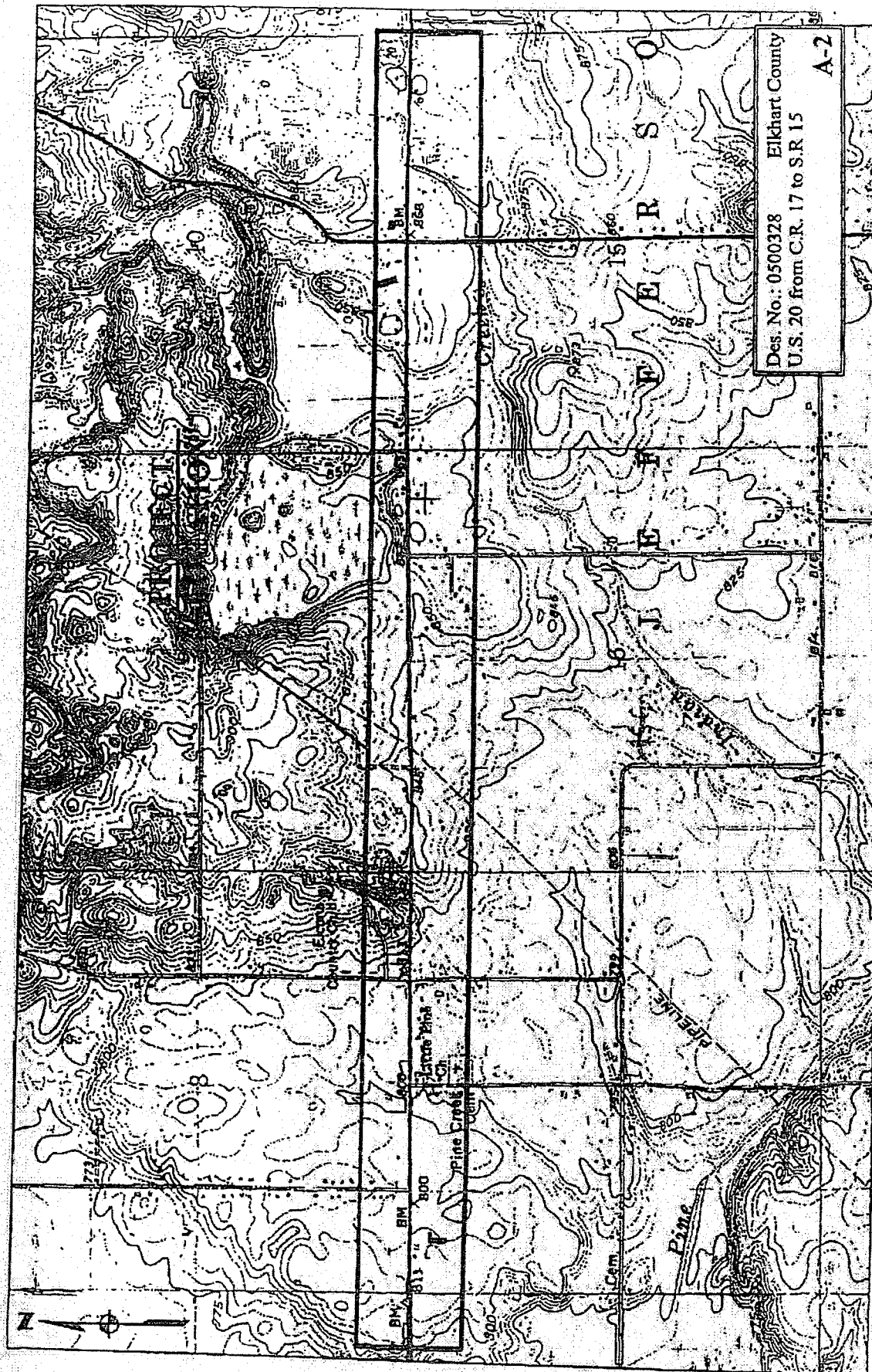


Richard G. Fitch, AICP

RGF:cmc
Attachment

copy: Mr. Michael Guzik, PE (Lawson-Fisher Associates)
Mr. Chanichai Hocharoen, PE (B&N)







DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MI 48226-2550

December 6, 2010

REPLY TO
ATTENTION OF:

Engineering & Technical Services
Regulatory Office
File No. LRE-2010-00799-120-J10

Mr. Richard Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Dear Mr. Fitch:

This letter is in response to your correspondence dated October 20, 2010, for the project to add additional travel lanes on U.S. Route 20. The project will start 0.75 miles east of County Road 17 and end at State Route 15 in Elkhart County, Indiana. The Indiana Department of Transportation is proposing that the total length of this project is 2.61 miles (INDOT Des. No. 0500328).

In tributary waters of Indian Creek, as in all waters of the United States, including adjacent wetlands, any discharge of dredged and/or fill material must be authorized by the Department of the Army. The authority of the Corps of Engineers to regulate the discharge of dredged and/or fill material is contained in Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act. Filling and grading work, mechanized landclearing, the sidecasting of excavated material, and the installation of certain pile-supported structures constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority.

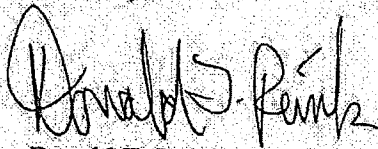
The information you provided suggests that portions of this project may affect a tributary of the Indian Creek and wetlands. If you anticipate work involving discharges of dredged and/or fill material into these waters or wetlands please complete and return the enclosed permit application. Plan view and cross-sectional view drawings, in 8 1/2" x 11" format, should accompany the application. Drawings and the appropriate sections of the application form should include a description of all quantities, dimensions, and nature of materials to be placed and soil to be moved within the waters and/or wetland areas. We also recommend that you identify and accurately map any wetlands within the overall project length via the 1987 Federal Wetlands Delineation Manual and the appropriate Regional Supplement. Please submit this wetland delineation with your application.

This preliminary jurisdiction determination (JD) is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date. If necessary, a final JD and permit evaluation would occur once the application and wetland delineation report is submitted to this office for review. This preliminary JD does not alleviate your need to contact State (i.e. IDEM and IDNR) and local agencies regarding their permit requirements.

Thank you for giving us the opportunity to review this proposal. Should you have any questions, please contact Dominique Blockett of this office at the above address or e-mail to Dominique.R.Blockett@lre02.usace.army.mil. Please refer to File No. LRE-2010-00799-120 in all future communications with this office.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: <http://per2.nwp.usace.army.mil/survey.html>. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,



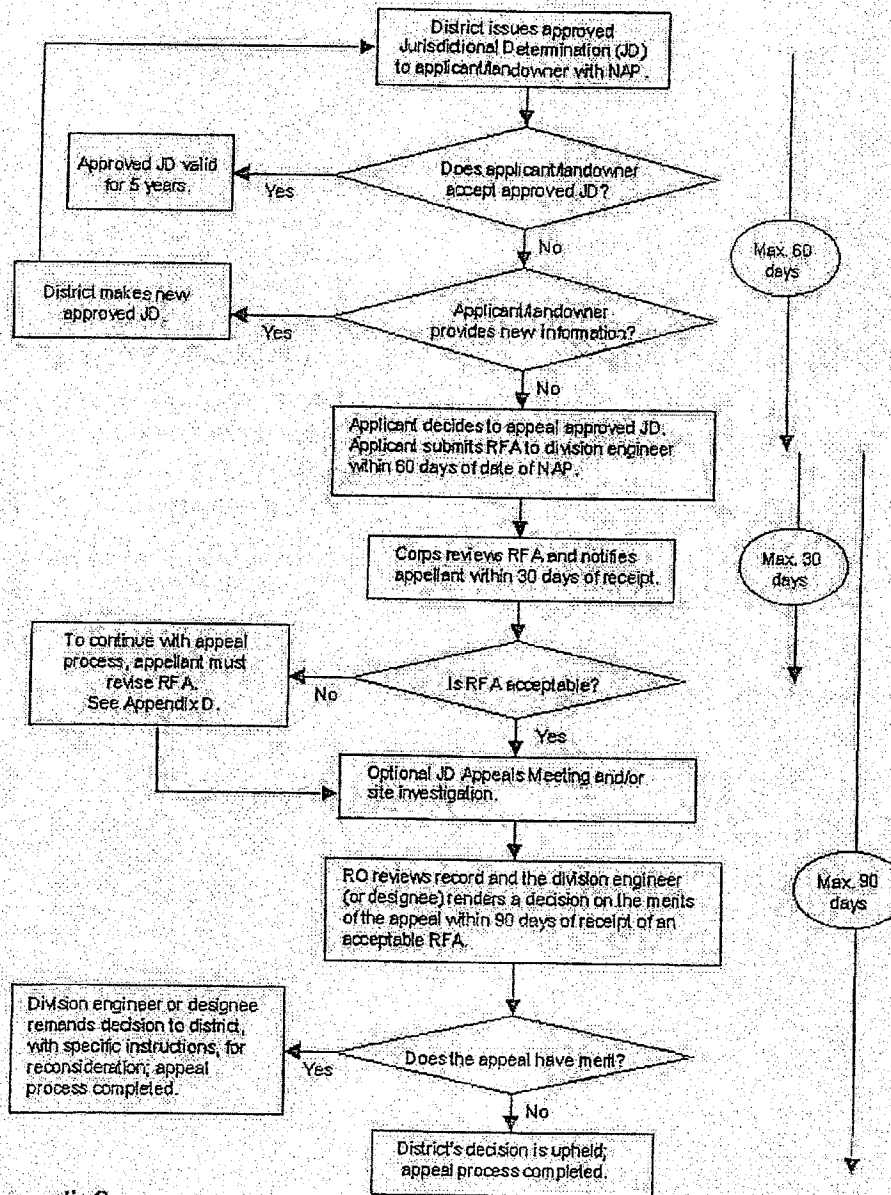
Donald T. Reinke
Chief, Compliance and Enforcement Branch
Regulatory Office

Enclosures

Copy Furnished:

USACE, South Bend Field Office
IDEM, Office of Water Quality, w/encl.
IDNR, Division of Water, w/encl.

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Richard Fitch, Burgess & Niple, Inc.	File Number: LRE-2010-00799-120-J10	Date: December 2, 2010
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Dominique Blockett
477 MICHIGAN AVENUE
DETROIT, MI 48226-2550
313-226-1325

If you only have questions regarding the appeal process you may also contact:

Pauline Thorndike
U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Rm 10-524
Cincinnati, Ohio 45202-3222

Tel. (513) 684-6212 Fax (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

Signature of appellant or agent.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): December 6, 2010

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Mr. Richard Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: U.S. Army Corps of Engineers, Detroit District, File No. LRE-2010-00799-120-J10

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: IN County/parish/borough: Elkhart City:

Center coordinates of site (lat/long in degree decimal format): Lat. 41.66695° N, Long. -85.85524° W.

Universal Transverse Mercator: 16

Name of nearest waterbody: Indian Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 24 width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: December 6, 2010

☐ Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Burgess & Niple, Inc., aerial figures and photographs submitted by INDOT Office of Traffic Mobility and USACE ORM2 Map.

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☐ U.S. Geological Survey map(s). Cite scale & quad name:

☐ USDA Natural Resources Conservation Service Soil Survey. Citation:

☒ National wetlands inventory map(s). Cite name: USACE ORM2 database.

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): INDOT, February 26, 2010.
or ☒ Other (Name & Date): INDOT Photo Log: Figures 1a thru 54a submitted October 20, 2010.

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Dominique Blackett 12/6/10
Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-0003 EXPIRES: 31 August 2012	
Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies; and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO. LRE-2010-00799-120	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME: First - Middle - Last - Company - E-mail Address -		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Middle - Last - Company - E-mail Address -	
6. APPLICANT'S ADDRESS: Address - City - State - Zip - Country -		9. AGENT'S ADDRESS: Address - City - State - Zip - Country -	
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax		10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
_____ APPLICANT'S SIGNATURE		_____ DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions)			
13. NAME OF WATERBODY, IF KNOWN (if applicable)		14. PROJECT STREET ADDRESS (if applicable)	
15. LOCATION OF PROJECT Latitude: *N Longitude: *W		Address	
		City - State - Zip -	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)			
State Tax Parcel ID		Municipality	
Section -	Township -	Range -	
17. DIRECTIONS TO THE SITE			



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

November 10, 2010

Richard Fitch
Burgess & Niple
5085 Reed Road
Columbus, Ohio 43220

RE: Wellhead Protection Area Proximity Determination
US 20 Between County Road 17 And County Road
15, Elkhart County

Upon review of the above referenced site, it has been determined that the site is **not** located within a Wellhead Protection Area. Be aware that this project is within the St. Joseph Aquifer System, an EPA designated sole source aquifer system. Contact Bill Spaulding at Spaulding.William@epamail.epa.gov for more information/guidance.

This information is accurate to the best of our knowledge. However, there are in some cases, a few factors that could impact the accuracy of this determination. For example, some Wellhead Protection Area Delineations have not been submitted or may not have been approved by this office. In these cases, we use a 3,000 foot fixed radius buffer to make the proximity determination. To find the status of a Public Water Supply System's Wellhead Protection Area Delineation, please visit our tracking database at <http://www.in.gov/idem/4289.htm>.

If you have any additional questions, please feel free to contact me at the address above or at (317) 234-7476.

Sincerely,

James Sullivan, Chief
Ground Water Section
Drinking Water Branch
Office of Water Quality

JS:gml



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

November 8, 2010

Richard G. Fitch, AICP
Environmental Planning Specialist
Burgess & Niple, Inc.
5085 Reed Road
Columbus, OH 43220

Dear Mr. Fitch:

The proposed project to add travel lanes on US 20 in Elkhart County, Indiana, as referred to in your letter received October 26, 2010, will cause a conversion of prime farmland.

The attached packet of information is for your use in completing Parts VI and VII of the AD-1006. After completion the federal funding agency needs to forward one copy to NRCS for our records.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist

Enclosures

Helping People Help the Land

An Equal Opportunity Provider and Employer

FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS

NRCS-CPA-106
(Rev. 1-81)

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request <u>10/20/2010</u>	Sheet 1 of <u>1</u>		
1. Name of Project <u>US 20 ADDED TRAVEL LANE</u>		5. Federal Agency Involved <u>FHWA</u>			
2. Type of Project <u>ROADWAY WIDENING</u>		6. County and State <u>ELKHART, IN</u>			
PART II (To be completed by NRCS)		1. Date Request Received by NRCS <u>10-24-10</u>	2. Person Completing Form <u>Lisa B. 1 km</u>		
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.) YES ☒ NO ☐		4. Acres Irrigated <u>128</u> Average Farm Size			
5. Major Crop(s) <u>Corn</u>	6. Farmable Land in Government Jurisdiction Acres: <u>257,825</u> % <u>86</u>		7. Amount of Farmland As Defined in FPPA Acres: <u>171,632</u> %		
8. Name Of Land Evaluation System Used <u>LSA</u>	9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS <u>11-8-10</u>		
PART III (To be completed by Federal Agency)		Alternative Corridor For Segment			
		Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly		<u>15.2</u>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services					
C. Total Acres In Corridor		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		<u>1.31</u>			
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		<u>0.003</u>			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		<u>77</u>			
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)		<u>37</u>			
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))		Maximum Points			
1. Area In Nonurban Use	15	<u>13</u>			
2. Perimeter in Nonurban Use	10	<u>10</u>			
3. Percent Of Corridor Being Farmed	20	<u>8</u>			
4. Protection Provided By State And Local Government	20	<u>0</u>			
5. Size of Present Farm Unit Compared To Average	10	<u>10</u>			
6. Creation Of Nonfarmable Farmland	25	<u>0</u>			
7. Availability Of Farm Support Services	5	<u>5</u>			
8. On-Farm Investments	20	<u>20</u>			
9. Effects Of Conversion On Farm Support Services	25	<u>0</u>			
10. Compatibility With Existing Agricultural Use	10	<u>5</u>			
TOTAL CORRIDOR ASSESSMENT POINTS		<u>160</u>	<u>71</u>	<u>0</u>	<u>0</u>
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		<u>100</u>			
Total Corridor Assessment (From Part VI above or a local site assessment)		<u>160</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL POINTS (Total of above 2 lines)		<u>260</u>	<u>0</u>	<u>0</u>	<u>0</u>
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES ☐ NO ☐		
5. Reason For Selection:					

Signature of Person Completing this Part:

DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

APPENDIX D
SECTION 106 DOCUMENTATION
FHWA EFFECT FINDINGS
AREA OF POTENTIAL EFFECT
SITE PHOTOS
ABSTRACT AND SUMMARY HISTORY AND
ARCHAEOLOGICAL REPORTS
CORRESPONDENCE WITH CONSULTING PARTIES
AFFIDAVIT OF PUBLISHED LEGAL NOTICE



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274-Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



September 13, 2011

Staffan D. Peterson, Ph.D.
Manager, Cultural Resources Office
Environmental Services Division
Indiana Department of Transportation
100 North Senate Avenue, IGCN, Room N642
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Notification of INDOT's finding of "no historic properties affected" and area of potential effect/eligibility determinations regarding construction of added travel lanes along US 20 between CR 17 and SR 15 (Designation No. 0500328; DHPA No. 11845)

Dear Dr. Peterson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and the "Programmatic Agreement among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation, the Indiana State Historic Preservation Officer regarding the implementation of the Federal Aid Highway Program in the State of Indiana," the staff of the Indiana State Historic Preservation Officer has conducted an analysis of the materials dated August 12, 2011, and received on August 15, 2011, for the above indicated project located in Jefferson Township, Elkhart County, Indiana.

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

Additionally, as previously stated, in regard to the Indiana archaeological short report (Snell and Jackson, 6/27/11), based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area. Therefore, we concur with the opinion of the archaeologist that no further investigations appear necessary at this location.

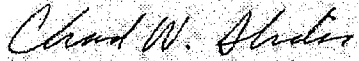
Therefore, we concur with the INDOT's August 11, 2011, finding, on behalf of the FHWA, that there are no historic buildings, structures, districts, objects, or currently known archaeological resources within the area of potential effects that will be affected by the above indicated project.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

Staffan D. Peterson, Ph.D.
September 13, 2011
Page 2

If you have questions about archaeological issues please contact Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. If you have questions about buildings or structures please contact Toni Lynn Giffin at (317) 233-9636 or tgiffin@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 11845.

Very truly yours,



 James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:TLG:WTT:wt

cc: Larry Heil, Federal Highway Administration
Staffan D. Peterson, Ph.D., Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Luella Beth Hillen, ASC Group, Inc.
Douglas S. Terpstra, ASC Group, Inc.

**FEDERAL HIGHWAY ADMINISTRATION'S
SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties) AND
SECTION 106 FINDINGS AND DETERMINATIONS
AREA OF POTENTIAL EFFECT
ELIGIBILITY DETERMINATIONS
EFFECT FINDING
CONSTRUCTION OF ADDED TRAVEL LANES ALONG US 20 BETWEEN CR 17 AND SR 15 IN
JEFFERSON TOWNSHIP, ELKHART COUNTY, INDIANA
DES. NO.: 0500328**

**AREA OF POTENTIAL EFFECT
(Pursuant to 36 CFR Section 800.4(a)(1))**

The Area of Potential Effect (APE) extends from approximately 2,700 ft west of CR 19 in the west to CR 27 in the east. The APE is generally 400 ft deep, although its west end is 500 ft deep to encompass the added depth of the access roads along the existing four-lane section of US 20 and the depth is reduced to 250 ft at some of the cross streets to avoid including buildings with no frontage on US 20.

**ELIGIBILITY DETERMINATIONS
(Pursuant to 36 CFR 800.4(c)(2))**

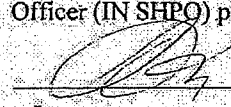
No properties in the APE are listed in or have been determined eligible for listing in the National Register of Historic Places (NRHP).

EFFECT FINDING

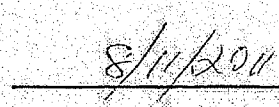
Because no properties in the APE are listed in or have been determined eligible for listing in the NRHP, INDOT, acting on FHWA's behalf, has determined a No Historic Properties Affected finding is appropriate for this undertaking.

SECTION 4(F) COMPLIANCE REQUIREMENTS (for historic properties)

This undertaking will not convert property from any Section 4(f) historic property to a transportation use; the INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is No Historic Properties Affected; therefore, no Section 4(f) evaluation is required. INDOT respectfully requests the Indiana State Historic Preservation Officer (IN SHPO) provide written concurrence with the Section 106 determination of No Historic Properties Affected.



Staffan Peterson, for FHWA
Manager
INDOT Cultural Resources



Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
NO HISTORIC PROPERTIES AFFECTED
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR Section 800.4(d)(1)**

**Construction of Added Travel Lanes Along US 20 Between CR 17 and SR 15 in Jefferson Township, Elkhart
County, Indiana**

DES. NO.: 0500328

FEDERAL PROJECT NO.:

1. DESCRIPTION OF THE UNDERTAKING

The Indiana Department of Transportation (INDOT) proposes to construct additional travel lanes along US 20 between CR 17 and SR 15 (Des. No. 0500328) in Jefferson Township, Elkhart County, Indiana (Appendix A). The project begins east of Elkhart, approximately 0.75 miles east of CR 17, where an existing four-lane divided highway section ends. The project terminates at the intersection of US 20 with SR 15. Overall the project is approximately 2.6 miles in length. The current roadway has a two-lane cross section with 6-10 ft paved shoulders. The purpose of the project is to enhance mobility by addressing existing and anticipated congestion and delay along this segment of US 20.

The project area is based on a project alternative that would construct/reconstruct a four-lane cross section with a 16-ft median on the existing alignment. The proposed cross section would feature 10-ft paved shoulders with two 12-ft travel lanes in each direction and a 16-ft flush median. The project would increase the right-of-way to 80 ft on either side of the US 20 centerline and would require the acquisition of approximately 15.2 acres of land. The Area of Potential Effect (APE) extends from approximately 2,700 ft west of CR 19 in the west to CR 27 in the east. The APE is generally 400 ft deep, although its west end is 500 ft deep to encompass the added depth of the access roads along the existing four-lane section of US 20 and the depth is reduced to 250 ft at some of the cross streets to avoid including buildings with no frontage on US 20 (Appendix A; Appendix B).

Per Federal Highway Administration-Indiana Division (FHWA-IN) Procedures, Federal-aid highway construction projects qualify as "undertakings" as defined in 36 CFR 800.16(y) and are subject to review under FHWA-IN/INDOT Section 106 Procedures. Federal-aid funds would be used for planning and/or construction of the proposed improvements. Section 106 is thus applicable.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

Efforts to identify historic properties in the APE included a check of records available at the Indiana Department of Natural Resources-Division of Historic Preservation and Archaeology (DHPA), historical/architectural and archaeological fieldwork, and communication with consulting parties. DHPA serves as Indiana's State Historic Preservation Office (SHPO).

Sources of information examined at DHPA included National Register of Historic Places (NRHP) listings, Indiana Register of Historic Sites and Structures listings, the *Elkhart County Interim Report*, the SHAARD database, archaeological site maps, cultural resources management reports, and cemetery records. There are no NRHP-listed or Indiana register properties within the APE. Examination of the *Elkhart County Interim Report* identified one previously inventoried property within the APE: 039-067-35018 is a former one-room schoolhouse dating to ca. 1888 and is rated Notable. No previously recorded archaeological sites are located in the project area.

The results of the field surveys were reported in a Historic Property Report (HPR) and an Archaeological Short Report (Appendix C). The history/architecture survey identified 19 resources 50 years of age or older in the APE, but did not recommend any as eligible for inclusion in the NRHP. The archaeological survey did not identify any sites within the project area. INDOT, on behalf of FHWA, has reviewed these reports.

The FHWA, INDOT, and DHPA are entitled to participate in the Section 106 process as consulting parties. The following other individuals and organizations have been invited, in writing, to be consulting parties (Appendix D).

- Indiana Landmarks - Northern Regional Office
- Elkhart County Historian
- Elkhart County Historical Society and Museum
- Jefferson Township Trustee
- Elkhart County Commission

The above-listed parties have been provided with copies of the HPR and response postcards with which to accept or decline the invitation to be a consulting party. James Weldy, the Jefferson Township Trustee, declined consulting party status. No responses were received from the other invitees. In a letter dated August 1, 2011, DHPA concurred with the recommendations of the HPR and Archaeology report. However, DHPA suggested that additional individuals and organizations also be invited to be consulting parties: Elkhart Centre, Inc., Indiana Lincoln Highway Association, Ruthmere, and Eric Trotter, Senior Planner for the City of Elkhart (Appendix E). These organizations and individuals will be provided with a copy of the HPR and No Historic Properties Affected finding and will be invited to accept consulting party status and provide comments within 30 days. This document will be revised, if necessary, after the comment period to reflect any comments received.

A public notice regarding the APE and No Historic Properties Affected finding will be issued for this project in a local newspaper concurrently with the issuance of these findings to the consulting parties. A 30-day comment period will be given. This document will be revised, if necessary, after the public notice to reflect any comments received.

3. BASIS FOR FINDING

No historic properties are present within the APE. Therefore, the finding for this project is No Historic Properties Affected.

APPENDIX

- A. MAPS**
- B. PHOTOGRAPHS**
- C. ABSTRACTS AND SUMMARIES FROM THE HISTORIC PROPERTY SHORT REPORT AND PHASE IA ARCHAEOLOGICAL RECORDS CHECK**
- D. LIST OF CONSULTING PARTIES**
- E. CORRESPONDENCE OF CONSULTING PARTIES**