

Des 1702735 CE-4

Appendix C

Early Coordination



November 19, 2020

Re: Des. No. 1702735, CR 100 North over Rock Creek, 0.5 Mile West of CR 400 West, Historic Bridge Project – Wells County, Indiana

Agency Representative,

Wells County and the Federal Highway Administration (FHWA) intend to proceed with a project involving the bridge carrying CR 100 North over Rock Creek in Wells County, Indiana. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above designation number (Des. No.) and description in your reply. We will incorporate your comments into a study of the project's environmental impacts.

This project is in northwest Wells County east of the Town of Rockford, Indiana, approximately 0.5 mile west of CR 400 West. Specifically, the project is located in Section 29, Township 27 North, Range 11 East, as shown on the Markle, Indiana 7.5 minute quadrangle map. The existing bridge is a two-span reinforced concrete arch that was constructed in 1920 and was rehabilitated in 1983. The bridge is listed as a Select historic bridge in the INDOT Historic Bridges Inventory Summary (2010). The structure provides a 17-foot 10-inch clear roadway width and is 87 feet 6 inches long. One lane of traffic is available on the structure. The existing bridge superstructure and substructure exhibit spalling and section loss, with reinforcing steel exposed in the bridge railing, arch barrels, and pier facings. A toe wall was constructed during the 1983 rehabilitation at one of the bridge piers to protect the substructure. The existing bridge railing is substandard and does not meet the current design criteria. The bridge inspection report dated October 22, 2019 indicated that the bridge has a sufficiency rating of 55.7 out of 100, which means that it is deficient for vehicular traffic. The bridge is rated for a weight limit of 16 tons.

This project proposes to rehabilitate the existing bridge. Improvements to the bridge will include removing the asphalt overlay and arch fill and replacing the existing fill with clean fill and installing a new reinforced concrete deck. The attached bridge rail and curb will be removed and replaced. The existing arch ring, spandrel walls, pier, and abutments will be repaired, reconstructed, or removed and replaced as needed. A waterproofing membrane will be installed on the top of the arch ring to minimize the infiltration of water and salts onto the arch. Embedded galvanic anodes will be installed in conjunction with arch, spandrel wall, and pier patching to protect and slow the rate of corrosion of the existing steel reinforcement. A new drainage system will be developed to provide positive drainage of the bridge deck and earth fill. The bridge is expected to be closed for the duration of construction and traffic is anticipated to be maintained through a detour. The detour route will likely utilize CR 500 West, SR 124, and CR 400 West and will be approximately 3.5 miles in length. Approximately 0.13 acre of permanent right of way and 0.37 acre of temporary right of way are anticipated to be necessary for this project. Right of way quantities may be altered during the design process. Project letting is anticipated to be in November 2022.



Certified MBE, State of Indiana; City of Indianapolis

INDOT Certified DBE

Land use in the vicinity of the project is primarily rural. The USFWS range-wide programmatic informal consultation for the Indiana bat and northern long-eared bat will be completed for this project. An ecological investigation to determine the presence of Waters of the US will be conducted. An historical investigation will be completed to satisfy the requirements of Section 106 of the National Historic Preservation Act.

Please respond with comments, questions, and concerns **within thirty (30) calendar days** from the date of this letter; if no response is received, it will be assumed that your agency feels that there are no adverse effects incurred as a result of this proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Christian Radcliff at SJCA Inc at cradcliff@sjcainc.com or 317-634-4110, or Wells County Highway Supervisor, Joshua Cotton, at josh.cotton@wellscounty.org or 260-824-6430. Thank you in advance for your input on this project.

Sincerely,

A handwritten signature in black ink that reads "Christian Radcliff".

Christian Radcliff
SJCA Inc

Enclosures:
Mailing List
Project Maps
Ground Level Photographs

CR 100 North over Rock Creek, Des 1702735
Early Coordination Notice sent to the Following Agencies:

Federal Highway Administration
Fort Wayne District
k.carmanygeorge@dot.gov

US Department of Housing and Urban Development
Chicago Regional Office
Melanie.h.castillo@hud.gov

Regional Environmental Coordinator
Midwest Regional Office
National Park Service
hector_santiago@nps.gov

U.S. Fish and Wildlife Service
Chesterton Field Office
Elizabeth_mccloskey@fws.gov

USACE Louisville District
regulatoryapplicationsrl@usace.army.mil

State Conservationist
Natural Resources Conservation Service
Rick.neilson@in.usda.gov

US Coast Guard, 8th District
Eric Washburn
Eric.washburn@uscg.mil

Indiana Geological Survey
Online Submission:
<https://igs.indiana.edu/eassessment/>

Indiana Department of Environmental Management
Groundwater Section Online
<https://idemmaps.idem.in.gov/whpa2/>

Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
environmentalreview@dnr.in.gov

Indiana Department of Environmental Management
Online Submission
<https://www.in.gov/idem/5284.htm>

INDOT Public Hearings
rclark@indot.in.gov

INDOT Project Manager
Damien Perry
Dperry1@indot.in.gov

INDOT Fort Wayne District
Karen Novak
knovak@indot.in.gov

INDOT Historic Bridges Specialist
Mary Kennedy
mken尼迪@indot.in.gov

Northeastern Indiana Regional Development Council
(MPO)
Dan.avery@co.allen.in.us

Wells County Surveyor
Jarrod Hahn
surveyor@wellscounty.org

Wells County Council
Mike Mossburg
mike@techservicespro.com

Wells County Highway Department
Joshua Cotton
Josh.cotton@wellscounty.org

Wells County Floodplain Administrator
Michael Lautzenheiser
wcapc@wellscounty.org

Christian Radcliff

From: McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>
Sent: Monday, November 23, 2020 10:55 AM
To: Christian Radcliff; Novak, Karen
Subject: Re: [EXTERNAL] Federally Funded Des 1702735 CR 100 N over Rock Creek Early Coordination Letter

Good morning, because the proposed project will have minor impacts on natural resources, and no Federally endangered species are known to be present, the U.S. Fish and Wildlife Service will not be providing a comment letter.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice
Ecological Services
Chesterton, Indiana

From: Christian Radcliff <cradcliff@sjcainc.com>
Sent: Thursday, November 19, 2020 2:56 PM
To: k.carmanygeorge@dot.gov <k.carmanygeorge@dot.gov>; melanie.h.castillo@hud.gov <melanie.h.castillo@hud.gov>; Santiago, Hector R <Hector_Santiago@nps.gov>; McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>; regulatoryapplicationslr@usace.army.mil <regulatoryapplicationslr@usace.army.mil>; rick.neilson@in.usda.gov <rick.neilson@in.usda.gov>; Washburn, Eric CIV <Eric.Washburn@uscg.mil>; DNR Environmental Review <environmentalreview@dnr.IN.gov>; rclark@indot.in.gov <rclark@indot.in.gov>; Perry, Damien N (INDOT <DPerry1@indot.IN.gov>; Novak, Karen <KNovak@indot.IN.gov>; Kennedy, Mary <MKENNEDY@indot.IN.gov>; dan.avery@co.allen.in.us <dan.avery@co.allen.in.us>; surveyor@wellscounty.org <surveyor@wellscounty.org>; mike@techservicepro.com <mike@techservicepro.com>; josh.cotton@wellscounty.org <josh.cotton@wellscounty.org>; wcacp@wellscounty.org <wcacp@wellscounty.org>
Subject: [EXTERNAL] Federally Funded Des 1702735 CR 100 N over Rock Creek Early Coordination Letter

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon,

Please see the attached early coordination letter for your review and comment. Please respond with comments, questions, and concerns **within thirty (30) calendar days** from the date of this letter; if no response is received, it will be assumed that your agency feels that there are no adverse effects incurred as a result of this proposed project. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request.

Thanks,

Christian Radcliff
SJCA Inc.
T (317) 566-0629
F (317) 566-0633
cradcliff@SJCAinc.com

Northeastern Indiana Regional Coordinating Council



November 30, 2020

Christian Radcliff
SJCA Inc.
9102 North Meridian Street, Suite 200
Indianapolis, IN 46260

Re: Early Coordination
DES 1702735 CR 100 N over Rock Creek Historic Bridge Project
Location: Wells County

Dear Mr. Radcliff:

Members of our staff reviewed your letter and report, dated November 19, 2020, concerning the Early Coordination of the CR 100 N over Rock Creek Historic Bridge Project. The NIRCC staff has the following comments relating to the early coordination phase of the environmental review process with this project, see below.

Wells County Bridge Number 106 over Rock Creek is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10049 and has a rating of "Contributing".

Friends, Rockford Cemetery is located in close proximity to the project just east of Bridge 106. Depending on the actual location of the project area and the boundary of the cemetery a Cemetery Development Plan may be required. The cemetery is also listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10048 and has a rating of "Contributing".

A farm located approximately 1000' east of the project at 4408 West CR 100 North is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10047 and has a rating of "Contributing".

A farm located approximately 2000' east of the project at 4207 West County Road 100 North is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10046 and has a rating of "Notable".

Redman's Lodge and Store is located approximately 1200' west of the project at the northwest corner of the intersection of CR 475 West and CR 110 North is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10051 and has a rating of "Notable".

Adventist Church is located approximately 1550' west of the project near 1275n N 500 W and is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10050 and has a rating of "Contributing".

A house located approximately 1400' west of the project at 1188 N 500 West is listed in the SHAARD (State Historic Architectural and Archaeological Research Database) with Survey Number 179-385-10052 and has a rating of "Contributing". This home has been demolished.

There is a State Cleanup Site located west of the project area. The name is "Rockford Wells" and the Agency Interest ID is 57413. Several residential wells were found to be contaminated in the 1990s and continued water testing was completed up until 2008. Contamination may have been from nearby landfills/mining pits.

There is a NPDES Facility located just southwest of the project called "Rock Creek Materials LLC" at 781 N 500 W.

There is an active NPDES pipe location southwest of the project used for pit dewatering into Rock Creek associated with "Rock Creek Materials LLC" which is located at 781 N 500 W.

There is a landfill located approximately 2000' north of the project area adjacent to Rock Creek called "Heller Industrial Landfill"

The project is within a Floodplain.

Rock Creek is identified as a wetland stream.

Rock Creek is considered an impaired stream. The impairments listed for this waterway are Ecoli, IBC, and PCBs_FT.

Thank you for the opportunity to comment on this project. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Stacey Gorsuch
Principal Transportation Planner

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street, Room 2.102D
St. Louis, MO 63103
Staff Symbol: (dwb)
Phone: (314) 269-2434
Email: allan.o.monterroza@uscg.mil

16211
December 7, 2020

SJCA, Inc.
Attn: Mr. Christian Radcliff
9102 N. Meridian Street, Suite 200
Indianapolis, IN 46260

Subj: DES. NO. 1702735, CR 100 NORTH OVER ROCK CREEK, WELLS COUNTY, IN

Dear Mr. Radcliff:

This is in response to your letter dated November 19, 2020 and corresponding information requesting whether the Coast Guard will require a permit and navigational lighting for the referenced bridge project. We have examined the proposed project area with regard to its status as a navigable water of the United States for purposes of Coast Guard bridge jurisdiction.

Our examination indicates that there is no sufficient factual support for concluding that Rock Creek, at the project location, has current or historic navigation occurring on this waterway. Since this is the case, a Coast Guard bridge permit or exemption will not be required for the referenced bridge project.

In consideration of the uses of the waterway, bridge lighting is not required.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Washburn", with a long horizontal flourish extending to the right.

ERIC A. WASHBURN
Bridge Administrator, Western Rivers
By direction of the District Commander

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

DNR #: ER-23235

Request Received: November 19, 2020

Requestor: SJCA Inc
Christian Radcliff
9102 North Meridian Street, Suite 200
Indianapolis, IN 46260

Project: CR 100 North historic bridge rehabilitation over Rock Creek, about 0.5 mile west of CR 400 West; Des #1702735

County/Site info: Wells

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: This proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1. Please submit a copy of this letter with the permit application.

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 and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Bank Stabilization & Wildlife Passage:

The new, replacement, or rehabbed structure, and any bank stabilization under the structure, 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. If channel clearing will result in a flat bench area above the normal water level under the structure, this area should allow wildlife passage and should remain free of riprap and other similar materials that can impair wildlife passage. If hard armoring is needed, wildlife passage can be facilitated by using a smooth-surfaced armoring material instead of riprap, such as articulated concrete block mats, fabric-formed concrete mats, or other similar smooth-surfaced material.

Minimize the use of riprap and use alternative erosion protection materials whenever possible. Where riprap must be used, we recommend placing only enough riprap to provide stream bank toe protection, such as from the toe of the bank up to the ordinary high water mark (OHWM). From the OHWM to the top of the bank, we recommend using bioengineered bank stabilization methods instead of riprap. This can provide equal or better erosion control protection than riprap. This will allow a natural, vegetated stream bank to develop and will allow wildlife passage along the creek's banks and riparian corridor. Information about bioengineering techniques can be found at <http://www.in.gov/legislative/iac/20120404-IR-312120154NRA.xml.pdf>. Also, the following is a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization: <http://directives.sc.egov.usda.gov/17553.wba>.

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

2) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application) for any unavoidable habitat impacts that will occur. The DNR's Habitat Mitigation guidelines (and plant lists) can be found online at:
<http://iac.iga.in.gov/iac/20200527-IR-312200284NRA.xml.pdf>.

Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however.

3) Nesting Birds/Roosting Bats:

Repairs to the bridge could affect any nesting birds or roosting bats. Cliff and Barn Swallows, among other species, often nest on the underside of road bridges and many bat species roost in expansion joints and other concrete crevices on road bridges. Survey the bridges for any bird nests prior to construction. Nest surveys should occur between May 7 and September 7, which denotes the main nesting season for most bird species. If nests are found with eggs, chicks, or parents actively attending to the nest (building the nest and visiting often), then repairs should be put on hold until the nests complete their nesting cycle (to fledging) or fail (by natural causes).

The Division of Fish and Wildlife (DFW) recommends bridge maintenance activities be restricted to the period between November 1 and March 1 to avoid the summer roosting period for most bats in the central part of the State. However, some endangered bats could use a bridge to roost between November and March. No matter when work is proposed, the bridge must be inspected for the presence of bats. If there is no evidence of active bat use, work can proceed. If there is evidence of active bat use, work must not occur until either the bats leave the structure for the season or a separate permit is issued to remove the bats. Please contact Linnea Petercheff (lpetercheff@dnr.in.gov) regarding permits to handle bats. If bats are present, a more formal survey to determine what species are present may be required.

The DFW recommends consulting with the State Mammologist or the US Fish and Wildlife Service before scheduling a bridge maintenance, repair, or replacement project where evidence of bat use of the structure has been observed. Information about bat use of transportation structures as well as avoidance and exclusion measures can be found at <https://www.batcon.org/pdfs/bridges/BatsBridges2.pdf> and <https://www.whitenosesyndrome.org/mmedia-education/acceptable-management-practices-for-bat-species-inhabiting-transportation-infrastructure>.

4) Stream/Wetland Habitat:

For any stream and/or wetland impacts, you may need to contact the Indiana Department of Environmental Management (IDEM) 401 program and the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS Memorandum of Understanding.

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

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

1. Revegetate all bare and disturbed areas that will not be mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Eastern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in regularly mowed areas only.
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.
4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
5. Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.
6. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
7. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
8. Do not use broken concrete as riprap.
9. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
10. Minimize the movement of resuspended bottom sediment from the immediate project area.
11. 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.
12. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
13. 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.

Christie L. Stanifer

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

Date: December 18, 2020

Organization and Project Information

Project ID:

Des. ID: Des 1702735

Project Title: CR 100 N over Rock Creek

Name of Organization: SJCA Inc

Requested by: Christian Radcliff

Environmental Assessment Report

1. Geological Hazards:

- High liquefaction potential
- 1% Annual Chance Flood Hazard

2. Mineral Resources:

- Bedrock Resource: High Potential
- Sand and Gravel Resource: Low Potential

3. Active or abandoned mineral resources extraction sites:

- Petroleum Exploration Wells
- Abandoned Industrial Minerals Quarries

*All map layers from Indiana Map (maps.indiana.edu)

DISCLAIMER:

This document was compiled by Indiana University, Indiana Geological Survey, using data believed to be accurate; however, a degree of error is inherent in all data. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of these data and document to define the limits or jurisdiction of any federal, state, or local government. The data used to assemble this document are intended for use only at the published scale of the source data or smaller (see the metadata links below) and are for reference purposes only. They are not to be construed as a legal document or survey instrument. A detailed on-the-ground survey and historical analysis of a single site may differ from these data and this document.

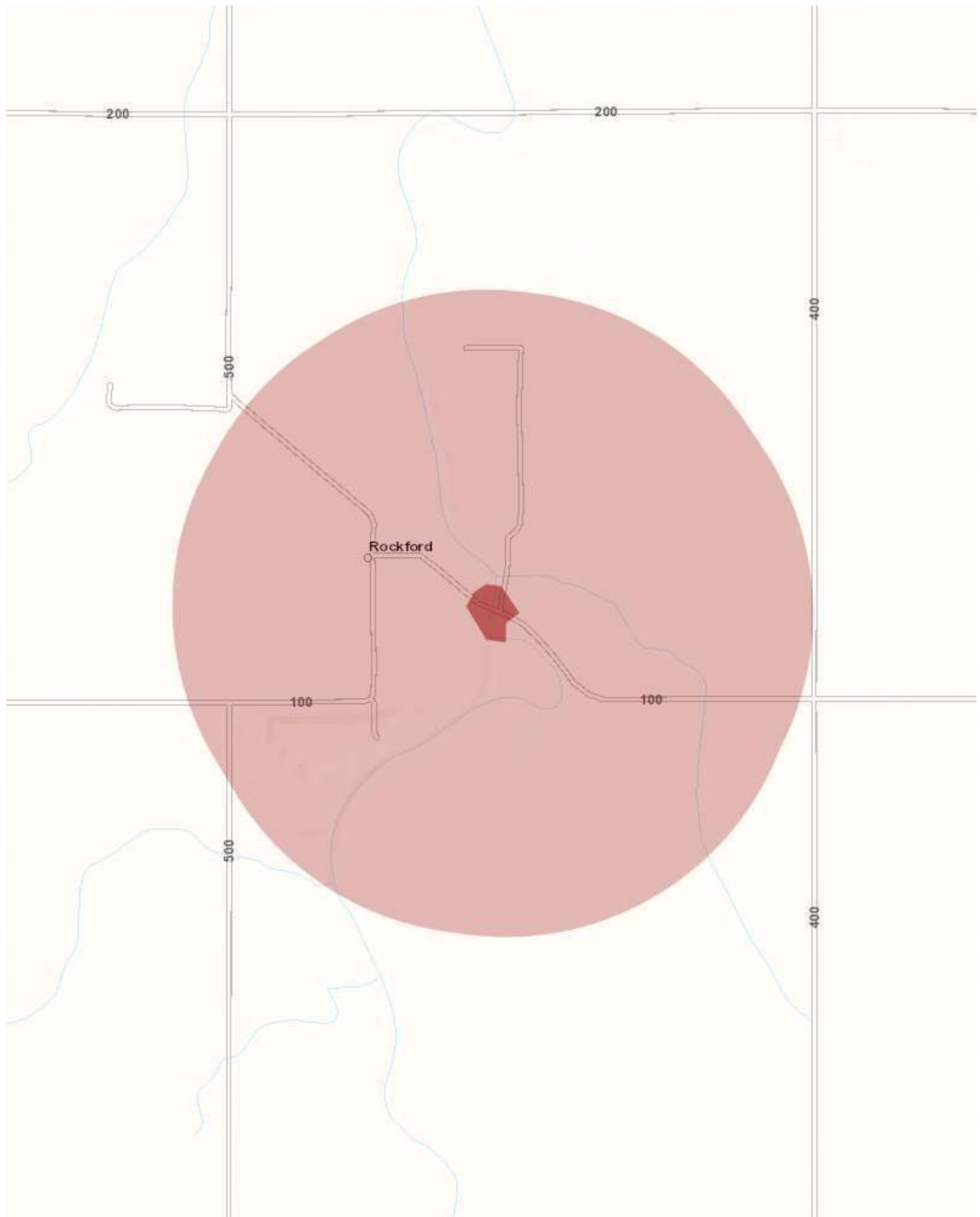
This information was furnished by Indiana Geological Survey

Address: 420 N. Walnut St., Bloomington, IN 47404

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: April 14, 2021



Metadata:

- https://maps.indiana.edu/metadata/Geology/Petroleum_Wells.html
- https://maps.indiana.edu/metadata/Geology/Industrial_Minerals_Quarries_Abandoned.html
- https://maps.indiana.edu/metadata/Geology/Seismic_Earthquake_Liquefaction_Potential.html
- https://maps.indiana.edu/metadata/Geology/Industrial_Minerals_Sand_Gravel_Resources.html
- https://maps.indiana.edu/metadata/Hydrology/Floodplains_FIRM.html
- https://maps.indiana.edu/metadata/Geology/Bedrock_Geology.html



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

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

Wells County
Nate Rumschlag
1600 W Washington Street
Bluffton, IN 46714

SJCA Inc.
Shelby Lutz
9102 N Meridian Street
Suite 200
Indianapolis, IN 46260

Date

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: Des 1702735 involves the rehabilitation of the bridge carrying CR 100 N over Rock Creek in Wells County, Indiana.

This letter from the Indiana Department of Environmental Management (IDEM) serves as a standardized response to enquiries inviting IDEM comments on roadway construction, reconstruction, or other improvement projects within existing roadway corridors when the proposed scope of the project is beneath the threshold requiring a formal National Environmental Policy Act-mandated Environmental Assessment or Environmental Impact Statement. As the letter attempts to address all roadway-related environmental topics of potential concern, it is possible that not every topic addressed in the letter will be applicable to your particular roadway project.

For additional information on specific roadway-related topics of interest, please visit the appropriate Web pages cited below, many of which provide contact information for persons within the various program areas who can answer questions not fully addressed in this letter. Also please be mindful that some environmental requirements may be subject to change and so each person intending to include a copy of this letter in their project documentation packet is advised to download the most recently revised version of the letter; found at: <http://www.in.gov/idem/5283.htm> (<http://www.in.gov/idem/5283.htm>).

To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this letter in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of

Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE, using the 1987 Wetland Delineation Manual.

USACE recommends that you have a consultant check to determine whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (<http://www.lrl.usace.army.mil/orf/default.asp>) (<http://www.lrl.usace.army.mil/orf/default.asp>) and then click on "Information" from the menu on the right-hand side of that page. Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that request to appear on the list, and that inclusion of any particular consultant on the list does not represent an endorsement of that consultant by the USACE, or by IDEM.

Much of northern Indiana (Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is served by the USACE District Office in Detroit (313-226-6812). The central and southern portions of the state (large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana) are served by the USACE Louisville District Office (502-315-6733).

Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, government agencies with jurisdiction over wetlands, and other water quality issues, can be found at <http://www.in.gov/idem/4396.htm> (<http://www.in.gov/idem/4396.htm>). IDEM recommends that impacts to wetlands and other water resources be avoided to the fullest extent.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. To learn more about the Wetlands Program, visit: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>).
3. If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana. A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the OWQ Wetlands Program at 317-233-8488.
4. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. Consult the Web at: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>) for the appropriate staff contact to further discuss your project.
5. Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the follow statutes:
 - IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - IC 14-28-1 Flood Control Act 310 IAC 6-1
 - IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
 - IC 14-29-4 Construction of Channels Act No related code

For information on these Indiana (statutory) Code and Indiana Administrative Code citations, see the DNR Web site at: <http://www.in.gov/dnr/water/9451.htm> (<http://www.in.gov/dnr/water/9451.htm>) . Contact the DNR Division of Water at 317-232-4160 for further information.

The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.

6. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
 - <http://www.in.gov/idem/4902.htm> (<http://www.in.gov/idem/4902.htm>)

To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan (<http://www.in.gov/idem/4917.htm#constreq> (<http://www.in.gov/idem/4917.htm#constreq>)), and as described in 327 IAC 15-5-6.5 (<http://www.in.gov/legislative/iac/T03270/A00150> [PDF] (<http://www.in.gov/legislative/iac/T03270/A00150.PDF>), pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (<http://www.in.gov/isda/soil/contacts/map.html> (<http://www.in.gov/isda/soil/contacts/map.html>)).

Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at: <http://www.in.gov/idem/4900.htm> (<http://www.in.gov/idem/4900.htm>).

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

7. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for additional project input.
8. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
9. For projects involving effluent discharges to waters of the State of Indiana, contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
10. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits.

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed (<http://www.in.gov/idem/4148.htm>) under specific conditions. You also can seek an open burning variance from IDEM.

However, IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.

Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized.

Additionally, if construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.

2. The U.S. EPA and the Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. (For a county-by-county map of predicted radon levels in Indiana, visit: <http://www.in.gov/idem/4145.htm>.)

The U.S. EPA further recommends that all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation

of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit: http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf (http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf)). It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure visit:

<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm> (<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>), <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>), or <http://www.epa.gov/radon/index.html> (<http://www.epa.gov/radon/index.html>).

3. With respect to asbestos removal: all facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at <http://www.in.gov/icpr/webfile/formsdiv/44593.pdf> (<http://www.in.gov/icpr/webfile/formsdiv/44593.pdf>).

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. All notification remitters will be billed on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit: <http://www.in.gov/idem/4983.htm> (<http://www.in.gov/idem/4983.htm>).

4. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978, or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: <http://www.in.gov/isdh/19131.htm> (<http://www.in.gov/isdh/19131.htm>).

5. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2, Asphalt Paving Rule

(<http://www.ai.org/legislative/iac/T03260/A00080.PDF>
 (<http://www.ai.org/legislative/iac/T03260/A00080.PDF>)).

6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf (<http://www.ai.org/legislative/iac/t03260/a00020.pdf>)). New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
7. For more information on air permits visit: <http://www.in.gov/idem/4223.htm> (<http://www.in.gov/idem/4223.htm>), or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD atdem.state.in.us.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit <http://www.in.gov/idem/4998.htm> (<http://www.in.gov/idem/4998.htm>).
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If PCBs are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes (Asbestos removal is addressed above, under Air Quality).
6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: <http://www.in.gov/idem/4999.htm> (<http://www.in.gov/idem/4999.htm>).

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period.

Should the scope of the proposed project be expanded to the extent that a National Environmental Policy Act Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, IDEM will actively participate in any early interagency coordination review of the project.

Meanwhile, please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of the Indiana Department of Environmental Management regarding any project for which a copy of this letter is used. Also note that it is the responsibility of the project engineer or consultant using this letter to ensure that the most current draft of this document, which is located at <http://www.in.gov/idem/5284.htm> (<http://www.in.gov/idem/5284.htm>), is used.

Signature(s) of the Applicant

I acknowledge that the following proposed roadway project will be financed in part, or in whole, by public monies.

Project Description

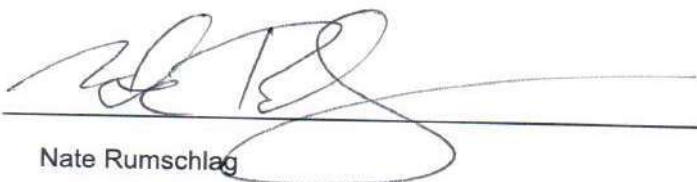
Des 1702735 involves the rehabilitation of the bridge carrying CR 100 N over Rock Creek in Wells County, Indiana.

With my signature, I do hereby affirm that I have read the letter from the Indiana Department of Environment that appears directly above. In addition, I understand that in order to complete that project in which I am interested, with a minimum of impact to the environment, I must consider all the issues addressed in the aforementioned letter, and further, that I must obtain any required permits.

Date: May 18, 2021

Signature of the INDOT

Project Engineer or Other Responsible Agent



Nate Rumschlag

Date: May 18, 2021

Signature of the

For Hire Consultant

Shelby Lutz

Digitally signed by Shelby Lutz
Date: 2021.05.18 07:58:59 -
04'00'

Shelby Lutz



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

April 14, 2021

Consultation Code: 03E12000-2021-SLI-0213

Event Code: 03E12000-2021-E-05326

Project Name: Des 1702735 CR 100 N over Rock Creek Bridge Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service’s Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office

620 South Walker Street
Bloomington, IN 47403-2121
(812) 334-4261

Project Summary

Consultation Code: 03E12000-2021-SLI-0213

Event Code: 03E12000-2021-E-05326

Project Name: Des 1702735 CR 100 N over Rock Creek Bridge Project

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Des 1702735 involves the rehabilitation of the bridge carrying CR 100 N over Rock Creek in Wells County, Indiana. Project limits extend approximately 160 feet north of the bridge, 100 feet south of the bridge, 130 feet west of the bridge, and 110 feet east of the bridge. The existing bridge is in poor condition and is rated at 16 tons. Improvements to the bridge will include removing the asphalt overlay and arch fill and replacing the existing fill with clean fill and installing a new reinforced concrete deck. The attached bridge rail and curb will be removed and replaced. The existing arch ring, spandrel walls, pier, and abutments will be repaired, reconstructed, or removed and replaced as needed. A waterproofing membrane will be installed on the top of the arch ring to minimize the infiltration of water and salts onto the arch. Embedded galvanic anodes will be installed in conjunction with arch, spandrel wall, and pier patching to protect and slow the rate of corrosion of the existing steel reinforcement. A new drainage system will be developed to provide positive drainage of the bridge deck and earth fill. Construction is anticipated to be in Winter 2022.

A review of the USFWS bat database by INDOT Fort Wayne District staff on June 15, 2020 did not identify bat captures, roosts, maternity colonies, and/or hibernacula within the vicinity of the project area. An inspection was completed by the District Bridge team on October 22, 2019 and no signs of birds or bats were heard or observed on the bridge. A site visit by SJCA Inc staff on August 7, 2020 did not identify any signs of bats on the bridge or past usage of the bridge. Suitable habitat for bats in the vicinity of the project includes areas of vegetation and trees adjacent to the construction area of the project. No tree removal will occur as part of this project. No permanent lighting will be installed as part of the scope of this project. Temporary lighting may be used to complete construction.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.75870443976724,-85.30953659850171,14z>



Counties: Wells County, Indiana

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ Incidental take of the NLEB is not prohibited here. Federal agencies may consult using the 4(d) rule streamlined process. Transportation projects may consult using the programmatic process. See www.fws.gov/midwest/endangered/mammals/nleb/index.html Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

December 08, 2020

Consultation Code: 03E12000-2021-I-0213

Event Code: 03E12000-2021-E-01389

Project Name: Des 1702735 CR 100 N over Rock Creek Bridge Project

Subject: Concurrence verification letter for the 'Des 1702735 CR 100 N over Rock Creek Bridge Project' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **Des 1702735 CR 100 N over Rock Creek Bridge Project** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Des 1702735 CR 100 N over Rock Creek Bridge Project

Description

Des 1702735 involves the rehabilitation of the bridge carrying CR 100 N over Rock Creek in Wells County, Indiana. Project limits extend approximately 160 feet north of the bridge, 100 feet south of the bridge, 130 feet west of the bridge, and 110 feet east of the bridge. The existing bridge is in poor condition and is rated at 16 tons. Improvements to the bridge will include removing the asphalt overlay and arch fill and replacing the existing fill with clean fill and installing a new reinforced concrete deck. The attached bridge rail and curb will be removed and replaced. The existing arch ring, spandrel walls, pier, and abutments will be repaired, reconstructed, or removed and replaced as needed. A waterproofing membrane will be installed on the top of the arch ring to minimize the infiltration of water and salts onto the arch. Embedded galvanic anodes will be installed in conjunction with arch, spandrel wall, and pier patching to protect and slow the rate of corrosion of the existing steel reinforcement. A new drainage system will be developed to provide positive drainage of the bridge deck and earth fill. Construction is anticipated to be in Winter 2022.

A review of the USFWS bat database by INDOT Fort Wayne District staff on June 15, 2020 did not identify bat captures, roosts, maternity colonies, and/or hibernacula within the vicinity of the project area. An inspection was completed by the District Bridge team on October 22, 2019 and no signs of birds or bats were heard or observed on the bridge. A site visit by SJCA Inc staff on August 7, 2020 did not identify any signs of bats on the bridge or past usage of the bridge. Suitable habitat for bats in the vicinity of the project includes areas of vegetation and trees adjacent to the construction area of the project. No tree removal will occur as part of this project. No permanent lighting will be installed as part of the scope of this project. Temporary lighting may be used to complete construction.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

No

10. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

11. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

12. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

13. Does the project include slash pile burning?

No

14. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

15. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

16. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- *Des 1702735 Bat Inspection Printed.pdf* <https://ecos.fws.gov/ipac/project/UKWKFA6BJBEZVEFJENFKWSATP4/projectDocuments/24367851>

17. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

18. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

19. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

20. Will the project involve the use of **temporary** lighting *during* the active season?

Yes

21. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **temporary** lighting will be used?

Yes

22. Will the project install new or replace existing **permanent** lighting?

No

23. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

24. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

25. Will the project raise the road profile **above the tree canopy**?

No

26. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

27. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

28. General AMM 1

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

29. Lighting AMM 1

Will *all* **temporary** lighting be directed away from suitable habitat during the active season?

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

N/A

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. Please describe the proposed bridge work:

Improvements to the bridge will include removing the asphalt overlay and arch fill and replacing the existing fill with clean fill and installing a new reinforced concrete deck. The attached bridge rail and curb will be removed and replaced. The existing arch ring, spandrel walls, pier, and abutments will be repaired, reconstructed, or removed and replaced as needed. A waterproofing membrane will be installed on the top of the arch ring to minimize the infiltration of water and salts onto the arch. Embedded galvanic anodes will be installed in conjunction with arch, spandrel wall, and pier patching to protect and slow the rate of corrosion of the existing steel reinforcement. A new drainage system will be developed to provide positive drainage of the bridge deck and earth fill.

4. Please state the timing of all proposed bridge work:

Winter 2022

5. Please enter the date of the bridge assessment:

August 7, 2020

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

INDOT Bridge/Small Structure Bat Inspection Data Sheet (Rev 4/29/2016)

General Information		
Date of Inspection: 8.7.2020	Initial Inspection ☒	Temp: 78F
Time of Inspection: 2:45pm	Follow-up Inspection ☐	Wind: 9mph
County: Wells	Construction ☐	Precip: None
Inspected by: Christian Radcliff and Laney Walstra		Sunrise: 6:44 Sunset: 8:51
GPS Northing: 4513348.48 m N Easting: 642689.09 m E UTM Zone: 16 N	Contract Number: B-41155	Anticipated Start Date for Construction: Winter 2022

Bridge or Culvert	Bridge or Culvert
Stream or Road Crossed: Rock Creek	Station:
Bridge/Culvert number: 90-00106	Number of Spans: 2
Type of Structure: ☐ Concrete box beam ☐ Steel beam ☐ Concrete I-beam ☐ Steel girder ☐ Concrete bulb tee beam ☐ Steel pony truss ☒ Concrete arch ☐ Welded steel thru girder ☐ Concrete girder ☐ Concrete box culvert ☐ Concrete slab ☐ Concrete pipe ☐ Multi-plate arch ☐ Corrugated steel pipe ☐ Other (list):	Material: ☒ Concrete ☐ Steel ☐ Other (describe): Shape: ☐ Box Culvert ☐ Pipe ☒ Arch ☐ Slab ☐ Other (describe)
Searched entire structure? If not, why not? Yes	Location of bats or signs of use (w/drawing and photos):
Bats Present? ☐ Seen? ☐ Heard?	
None	
In Clusters? Number of clusters: None	
Number of bats in largest cluster: None	
Approximate total number of bats found: None	
Signs of previous bat use? None ☐ Guano ☐ Staining	

If Bats Present
Date and Time Project Supervisor was notified:
Name of Project Supervisor notified: