

APPENDIX C

Early Coordination



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 233-6795

Eric J. Holcomb, Governor
Joe McGuinness, Commissioner

May 17, 2018

Sample Early Coordination Letter

{See Attached List}

Re: DES #1700108
Small Town Pavement Replacement Project
S.R. 252 from U.S.31 to 0.18 mile west of I-65
Edinburgh, Johnson and Shelby Counties, Indiana

Dear Interested Agency:

Indiana Department of Transportation (INDOT) proposes to utilize federal funds for a small town pavement replacement project. 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 environmental impacts. Your cooperation in this endeavor is appreciated.

PROJECT LOCATION

The proposed project is located in the town of Edinburgh, Blue River and Jackson Townships, Johnson and Shelby Counties, Indiana. The proposed project limits extend along State Road (S.R.) 252 from U.S. 31 to 0.18 mile west of I-65. Specifically, the project is situated within Sections 27, 33, and 34, Township 11 North, Range 5 East in Johnson County and Sections 26 and 35, Township 11 North, Range 5 East in Shelby County as shown on the 7.5' Edinburgh, Indiana United States Geological Survey (USGS) Topographic map.

EXISTING CONDITIONS

S.R. 252 is a two lane road and is classified as a major collector. S.R. 252 is showing signs of functional and structural distress, specifically block cracking and fatigue cracking in the wheel path. Pedestrian facilities and curbs and gutters are badly deteriorated, broken, buried, and non-existent in places. Additionally, moderate to severe edge distresses exist outside of the town section.

Land use in the project area consists of residential and commercial areas with a small area of agricultural use on the east end of the project area.

PROJECT NEED AND PURPOSE

The need for this project is to address the functional and structural deficiencies as well as the deteriorated or non-existent pedestrian facilities and curb and gutters.



The purpose of this project is to improve the overall pavement condition by restoring the load carrying capacity of the pavement and removing the functional and structural deficiencies.

PROPOSED IMPROVEMENTS

The proposed project will consist of 4 inch (in.) functional inlay with 2 feet (ft.) widening in each direction from U.S. 31 to Pleasant Street. The pavement along S.R. 252 from Pleasant Street to Lincoln Street will be reconstructed. From Lincoln Street to the pavement break west of I-65, a 4 in. functional inlay with 2 ft. widening in each direction is proposed. A hydraulic investigation will be conducted to determine the condition and functionality of the existing stormwater facilities. The existing stormwater facilities will be upgraded and repaired based on the findings of the hydraulic investigation. Stormwater inlets that are substandard and/or functionally obsolete will be replaced. New curb and gutters will be installed. The existing sidewalks and ramps will be upgraded in compliance with American with Disabilities Act (ADA). The existing raised pavement markers (RPMs) will be replaced. The overhead flasher with sign mounted flashers at the intersection of S.R. 252 and Grant Street will be replaced.

RIGHT-OF-WAY

It is anticipated that less than 10 acres of right-of-way will be required.

MAINTENANCE OF TRAFFIC

Maintenance of Traffic details is not yet available.

HISTORIC RESOURCES

Based on Metric's review of the Indiana State Historic Preservation Office's Indiana Buildings, Bridges, and Cemeteries Map (IMMCM), over fifty mapped properties and the Edinburgh Commercial District, South Walnut Historic District, and Toner Historic District were identified within the 0.5-mile search radius. Eight of those mapped properties are located adjacent to S.R. 252. The National Register of Historic Places eligibility was not recorded for the mapped properties.

A full Section 106 review will be required for the proposed project activities. A coordination packet and invitation to serve as a consulting party (CP) will be sent to identified agencies and organizations. A Historic Property Report (HPR) will be researched and written and submitted to the INDOT Cultural Resources Office (CRO), IDNR, Department of Historic Preservation & Archaeology (DHPA), and consulting parties for review and concurrence. It is anticipated that a long report with a historic context would be appropriate due to over one dozen individual resources listed in the Johnson County Interim Report, part of Indiana Historic Sites and Structures Inventory (IHSSI) including two "Outstanding" and two "Notable" resources which are located adjacent to the proposed project alignment.

An archaeological record review and field reconnaissance, Phase 1a Records Check/Literature Review, will be conducted. The Phase 1a will be submitted to the INDOT CRO and IDNR DHPA for review and concurrence.

All work will be in accordance with Section 106, National Historic Preservation Act (NHPA) of 1966, as amended, CFR Part 800 (Revised January 2001) and Final Rule on Revision of Current Regulations, dated December 12, 2000, and incorporating amendments effective August 5, 2004. Investigations and recommendations will be accomplished or directly supervised by a Qualified Professional meeting the standards set forth in 36 CFR 61 or the National Historic Preservation Act and 312-IAC-21 of the Indiana Administrative Code.

EARLY COORDINATION

As part of our early coordination effort for the proposed project, please study the enclosed information and provide a written evaluation of any identified potential impacts upon resources that are under your jurisdiction. It is requested, that you return a reply within 30-days of receipt of this packet. If no reply has been received within 30-days, it will be indicated in the environmental document, which is to be prepared for the referenced project, that your agency has no comment on the project. If you have any questions, please contact Samuel P. Snell, MS, RPA, Archaeological Principal Investigator, at 317.912.3499 or sams@MetricEnv.com or Nicole Curry, INDOT Project Manager, at 812.524.3970 or ncurry@INDOT.IN.gov.

On behalf of INDOT,
Metric Environmental, LLC



Samuel P. Snell, MS, RPA
Archaeological Principal Investigator
Metric Environmental
6971 Hillside Court
Indianapolis, IN 46250

cc: File No. 18-0002
Greg Wendling, USI Consultants, Inc.
Nicole Curry, INDOT Seymour District

Attachments: Location Map, USGS Topographic Map, and Aerial Photograph

The attachments were intentionally removed. Please refer to Appendix B in the CE document.

Early Coordination
Designation Number 1700108, Small Town Pavement Replacement Project
SR 252, from US 31 to 0.18 mile west of I-65
Edinburgh, Johnson and Shelby Counties, Indiana

May 17, 2018

Indiana Geological Survey
 {<https://igs.indiana.edu/eAssessment/>}

Indiana Department of Transportation
 Office of Aviation
 {AFrench2@indot.in.gov}

Midwest Regional Office
 National Parks Service
 Tokey Boswell
 {Tokey_Boswell@nps.gov}

Indiana Department of Natural Resources
 Division of Fish & Wildlife
 {environmentalreview@dnr.in.gov}

U.S. Department of Housing & Urban Develop.
 Chicago Regional Office
 {Michael.e.wurl@hud.gov}

Indiana Department of Environmental
 Management
 Proposed Roadway Construction Projects Letter
 {<http://www.in.gov/idem/5284.htm>}

Indiana Department of Transportation
 Rickie Clark
 Mary Wright
 {rclark@indot.in.gov}
 {mwright@indot.in.gov}

USACE, Louisville District
 {gregory.a.mckay@usace.army.mil}

IDEM Groundwater Section
 {ATurnbow@idem.IN.gov}

Johnson County Engineer
 Neil VanTrees
 {nvantrees@co.johnson.in.us}

Johnson County Highway Department
 Luke Mastin, Highway Director
 {lmastin@co.johnson.in.us}

Johnson County Commissioners
 Brad Baird, Chairman
 {bbaird@co.johnson.in.us}

Shelby County Surveyor
 W. Taylor Summerford
 25 West Polk Street, Room B020,
 Shelbyville, IN 46176

Shelby County Highway Department
 Kem Anderson, Highway Superintendent
 {kem.anderson@co.shelby.in.us}

Shelby County Commissioners
 Kevin Nigh, President
 {kevin.nigh@co.shelby.in.us}

IDEM Wellhead Proximity Determinator
 Electronic Review of Location
 {<http://www.in.gov/idem/cleanwater/pages/weillhead/>}

Federal Highway Administration
 Antonio Johnson – Seymour District
 {Antonio.Johnson@dot.gov}

Edinburgh Water Utility
 David Rakes
 {drakes@edinburg.in.us}

Grace Tabernacle
 Pastor Terry England
 512 W. Center Cross St.
 Edinburgh, IN 46124



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 232-XXXX
FAX: (317) 233-XXXX

Eric Holcomb, Governor
Joe McGuinness, Commissioner

June 19, 2018

TO: MS4 COORDINATOR
Town of Edinburgh
407 South Holland Street
PO Box 65
Edinburgh, IN 46124

FROM: Ryan Hennessey
Metric Environmental, LLC
6971 Hillsdale Ct.
Indianapolis, IN 46250

RE: Early Notification
INDOT DES Number: 1700108
Location: SR 252 from US 31 to 0.18 mile west of I-65
Description: Small Town Pavement Replacement Project

The Indiana Department of Transportation (INDOT) and Federal Highway Administration (FHWA) intend to proceed with the above project. You are being notified because this project lies within an Urbanized Area Boundary (UAB). In accordance with 327 IAC 15-13 (Rule 13 - Municipal Separate Storm Sewer Systems), INDOT has developed a Storm Water Quality Management Plan (SWQMP).

As part of its implementation, projects falling within the UAB will be required to consider appropriate post construction storm water quality best management practices (BMPs). These BMPs should take into consideration the available space, pollutants of concern and receiving waters.

This letter is for notification purposes only, and no action is required by you; however, if you would like to provide your input on water quality concerns, please provide this information **within thirty (30) calendar days** from the date of this letter to the undersigned. Should we not receive your response within the specified timeframe, it will be assumed that your agency does not have additional concerns about water quality issues resulting from the proposed project. Should you find that an extension to the response time is necessary, a reasonable amount of time may be granted upon request. If you have any questions regarding this matter, please feel free to contact Ryan Hennessey at 317-608-2798. Thank you in advance for your attention to this matter.

Sincerely,
Ryan Hennessey
Environmental Geologist
Metric Environmental, LLC



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 233-6795

Eric J. Holcomb, Governor
Joe McGuinness, Commissioner

March 30, 2021

Sample Re-Coordination Letter

{See Attached List}

Re: DES. NO. #1700108
Small Town Pavement Replacement Project
SR 252 from US 31 to 0.18 mile west of I-65
Edinburgh, Johnson and Shelby Counties, Indiana

Dear Interested Agency:

Since the early coordination letter was sent to you dated May 17, 2018, installation of a storm sewer outfall (Des. No. 1700108), installation of new sidewalks, curb ramps, and permanent lighting (Des. No. 1902760), and a small culvert project (Des. No. 1900353) have been added to this project. We are re-coordinating with you and request 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 environmental impacts.

PROPOSED ADDITIONAL IMPROVEMENTS

Lead Des. No. 1700108: A storm sewer outfall will be installed on the north side of SR 252 to the Big Blue River, approximately 275 feet (ft.) east of Eisenhower Drive.

Des. No. 1902760: New sidewalks and curbs will be installed, where none currently exist, on the south side of SR 252 from Eisenhower St. to Pleasant St. and on the south side of SR 252 from Lincoln St. to Lind Dr. (CR 800 E). Additionally, new permanent lighting will be installed on both sides of SR 252, from River Rd. to Lincoln St., a distance of approximately 5,650 ft. (1.07 miles). The existing cobra head lighting on power poles, located at the intersections, will be removed.

Des. No. 1900353: A 5 ft. x 4 ft. 3-sided culvert (CV 252-041-29.94) with a corrugated metal pipe is located next to a drainage feature that is likely an agricultural tile drain. The culvert will be removed and replaced with a 5 ft. x 4 ft. reinforced concrete box culvert. The ends of the culvert are located within grass, adjacent to cultivated fields. No impacts to agriculture land are anticipated.

It is anticipated that the total amount of land acquisition will be 6.74 acres, consisting of 1.03 acre temporary right-of-way, 3.64 acre permanent right-of-way, 1.96 acre reacquisition of permanent right-of-way, and 0.11 acre perpetual easement.



Based on consultation with INDOT Seymour District, March 19, 2021, a review of the U.S. Fish and Wildlife Service (USFWS) database did indicate the presence of endangered bat species in or within 0.5 mile of the project area. Based on the scope of work, the project is not within the scope of the *Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and NLEB* due to the project is located within a 0.5 mile of hibernacula. Therefore, Standard Informal Consultation will be required with US Fish & Wildlife Service.

RE-COORDINATION

To facilitate our re-coordination efforts, please evaluate the information provided herein and reply with a written description of any additional potential impacts upon resources under your jurisdiction. Please reply within 14 days of receipt of this letter. If you have any questions, you may contact Susan Castle, Senior Scientist, at 317.608.2730 or Susanc@MetricEnv.com, write to her at 6971 Hillside Court, Indianapolis, Indiana 46250. Alternatively, you may contact Nicole Carter, INDOT Project Manager, at 812.767.1395 or ncarter@INDOT.IN.gov.

On behalf of INDOT,
Metric Environmental, LLC



Susan K. Castle
Senior Scientist

cc: File No. 18-0002
Greg Wendling, USI Consultants, Inc.
Nicole Carter, INDOT Seymour District

Attachments: Location Map, USGS Topographic Map, and Aerial Photograph

The attachments were intentionally removed. Please refer to Appendix B in the CE document.

Agency Re-coordination
Designation Number 1700108, Small Town Pavement Replacement Project
SR 252, from US 31 to 0.18 mile west of I-65
Edinburgh, Johnson and Shelby Counties, Indiana

March 30, 2021

Indiana Department of Natural Resources
Division of Fish & Wildlife
{environmentalreview@dnr.in.gov}

US Fish & Wildlife Service
{Robin_McWilliams@fws.gov}

INDOT Seymour District
{DDye@indot.in.gov}

Natural Resources Conservation Service
{Rick.Neilson@in.usda.gov}

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

DNR #: ER-20574

Request Received: May 17, 2018

Requestor: Metric Environmental
Samuel P Snell
6971 Hillsdale Court
Indianapolis, IN 46250

Project: SR 252 small town pavement replacement from US 31 to 0.18 mile west of I-65, including 2' road widening, curb and gutter upgrades, and storm water facilities upgrades, Edinburgh; Des #1700108

County/Site info: Johnson - Shelby

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. The Division of Fish and Wildlife's Driftwood Public Fishing Area is located within 1/2 mile southwest of the westernmost portion of the project area. Also, the Little Spectaclecase (*Villosa lienosa*), a state species of special concern, has been documented in Big Blue River within the project area.

Fish & Wildlife Comments: As long as no work takes place within Big Blue River and standard erosion control measures are implemented, we do not foresee any impacts to the Little Spectaclecase as a result of this project.

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 information submitted did not indicate that any work was needed in or along the banks of Big Blue River. If any bank stabilization is proposed within the area of the Big Blue River crossing, minimize the use of riprap and use alternative erosion protection materials whenever possible.

Where riprap must be used, we recommend only placing it at the toe of the sideslopes up to the ordinary high water mark (OHWM). The banks above the OHWM must be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.

Where hard armoring is needed, wildlife passage can be facilitated by using a smooth-surfaced material instead of riprap, such as articulated concrete block mats, fabric-formed concrete mats or other similar smooth-surfaced materials as these materials will not impair wildlife movement.

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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 and other bank stabilization techniques: <http://directives.sc.egov.usda.gov/17553.wba>.

2) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) for any unavoidable habitat impacts that will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at: <http://www.in.gov/legislative/iac/20140806-IR-312140295NRA.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).

3) Wetland Habitat:

Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS Memorandum of Understanding.

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

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
5. Do not deposit or allow demolition/construction materials or debris to fall or otherwise enter the waterway.
6. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
7. Seed and protect areas where runoff is conveyed through a channel/swale with erosion control blankets (follow manufacturer's recommendations for selection and installation) or use an appropriate structural armament; seed and apply mulch on all other disturbed areas.
8. Do not excavate or place fill in any riparian wetland.

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

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
Environ. Coordinator
Division of Fish and Wildlife

Date: June 15, 2018

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

DNR #: ER-20574-1

Request Received: March 30, 2021

Requestor: Metric Environmental
Susan Castle
6971 Hillside Court
Indianapolis, IN 46250

Project: SR 252 small town pavement replacement from US 31 to 0.18 mile west of I-65, Edinburgh: addition of a storm sewer outfall to Big Blue River (Lead Des #1700108); new sidewalks, curbs and lighting (Des #1902760); and small structure (CV 252-041-29.94) replacement (Des #1900353)

County/Site info: Johnson - Shelby

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: Portions of this proposal will require the formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1, unless it qualifies under the INDOT and IDNR Memorandum of Understanding for Maintenance Activity Exemption, dated March 1997, or qualifies for a general license under Administrative Rule 312 IAC 10-5 that applies to outfall structures (see enclosure). Please include a copy of this letter with the permit application, if required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The Little Spectaclecase (*Villosa lienosa*), a state species of special concern, has been documented in Big Blue River within the project area.

Fish & Wildlife Comments: As long as in-stream impacts are minimized, and standard erosion control measures are implemented, we do not foresee any impacts to Little Spectaclecase as a result of this project.

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) Crossing Structure:

For purposes of maintaining fish and wildlife passage through a crossing structure, the Environmental Unit recommends bridges rather than culverts and bottomless culverts rather 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 or pipe culverts are used, the bottoms should be buried a minimum of 6" (or 20% of the culvert height/pipe diameter, whichever is greater up to a maximum of 2') below the stream bed elevation to allow a natural streambed to form within or under the crossing structure. Crossings should: span the entire channel width (a minimum of 1.2 times the OHWM width); maintain the natural stream substrate within the structure; have a minimum openness ratio (height x width / length) of 0.25; and have stream depth, channel width, and water velocities during low-flow conditions that are approximate to those in the natural stream channel. Banklines should be restored within box and pipe structures to allow for wildlife passage above the ordinary highwater mark.

Attachments: A - Outfall Exemption Criteria

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

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 the current conditions. When determining an appropriate bridge or culvert size, consider whether or not wildlife/vehicle collisions are a concern at the crossing site. If feasible, a larger bridge or culvert opening can allow for the movement of wildlife under the roadway in order to minimize wildlife/vehicle collisions.

2) Bank Stabilization & Wildlife Passage:

The information submitted did not indicate if any work will be conducted in or along the banks of Big Blue River. If any bank stabilization is proposed within the area of the Big Blue River crossing, and for any bank stabilization with the small structure replacement, minimize the use of riprap and use alternative erosion protection materials whenever possible. Where riprap must be used, we recommend only placing it at the toe of the sideslopes up to the ordinary high water mark (OHWM). The banks above the OHWM must be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.

Where hard armoring is needed, wildlife passage can be facilitated by using a smooth-surfaced material instead of riprap, such as articulated concrete block mats, fabric-formed concrete mats or other similar smooth-surfaced materials as these materials will not impair wildlife movement.

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 and other bank stabilization techniques: <http://directives.sc.egov.usda.gov/17553.wba>.

3) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) 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.

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
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5) Lighting:

Most transportation corridor designers and municipalities are trending toward LED lighting. Certain types of LED lighting can have negative impacts on both human and wildlife health and safety. Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants. A June 2016 American Medical Association (AMA) report, "Human and Environmental Effects of Light Emitting Diode Community Lighting," concluded that "white LED street lighting patterns may contribute to the risk of chronic disease in the populations of cities in which they have been installed."

The Division of Fish & Wildlife strongly encourages visiting the International Dark-Sky Association (IDA) website to learn more about the potential negative impacts of improperly selected LED lighting systems, if utilized (see <http://www.darksky.org/lighting/led-guide/> and <http://darksky.org/lighting/lighting-basics/>).

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

1. Revegetate all bare and disturbed areas that will not be mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central 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. Operate equipment used to replace the bridge from the existing roadway.
8. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
9. Do not use broken concrete as riprap.
10. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
11. Do not deposit or allow demolition/construction materials or debris to fall or otherwise enter the waterway.
12. 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.
13. 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.
14. Do not excavate or place fill in any riparian wetland.

THIS IS NOT A PERMIT

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

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

Date: April 28, 2021

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

Attachments: A - Outfall Exemption Criteria



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:

May 04, 2021

Consultation Code: 03E12000-2019-SLI-0695

Event Code: 03E12000-2021-E-05816

Project Name: Des. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties,

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: 03E12000-2019-SLI-0695

Event Code: 03E12000-2021-E-05816

Project Name: Des. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties,

Project Type: TRANSPORTATION

Project Description: The Indiana Department of Transportation (INDOT), with funding from Federal Highway Administration (FHWA) intends to proceed with a small town reconstruction project on SR 252 from US 31 to 0.18 mile west of I-65 in Edinburgh, Johnson and Shelby Counties, Indiana (Lead Des. No. 1700108, Des. No. 1900353, and Des. No. 1902760).

Lead Des. No. 1700108: The proposed project includes 4-inch functional inlay (milling the top 4 inches of existing hot mix asphalt {HMA} off and replacing it with 4 inches of new HMA) from US 31 to Eisenhower Dr. The bridge over Big Blue River is not included in this project and will be avoided. The pavement along SR 252 from Eisenhower Dr. to Lincoln St. will be reconstructed. There will be a 2-inch functional inlay with Lincoln St. to the pavement break west of I-65. A storm sewer outfall will be installed on the north side of SR 252 to the Big Blue River, approximately 275 feet (ft.) east of Eisenhower Dr. The existing stormwater facilities will be upgraded and repaired. Castings that are substandard and/or functionally obsolete will be replaced. New curb and gutter will be installed. The existing sidewalks and ramps will be upgraded in compliance with American with Disabilities Act (ADA). The existing raised pavement markers (RPMs) will be replaced. The overhead flasher with sign mounted flashers at the intersection of SR 252 and Grant St. will be replaced. New pavement markings, speed limit signs, and instructional signs will be installed.

Des. No. 1902760: New sidewalks and curbs will be installed, where none currently exist, on the south side of SR 252 from Eisenhower Dr. to Pleasant St. and on the south side of SR 252 from Lincoln St. to Lind Dr. (CR 800 E). New permanent lighting will be installed on both sides of SR 252, from River Rd. to Lincoln St., a distance of approximately 5,650 ft. (1.07 miles). The existing cobra head lighting on power poles, located at the intersections, will be removed.

Des. No. 1900353: A 5 ft. x 4 ft. 3-sided culvert (CV 252-041-29.94) with a corrugated metal pipe will be removed and replaced with a 5 ft. x 4 ft. reinforced concrete box culvert.

It is anticipated that the total amount of land acquisition will be 6.74 acres, consisting of 1.03 acre temporary right-of-way, 3.64 acre

permanent right-of-way, 1.96 acre reacquisition of permanent right-of-way, and 0.11 acre perpetual easement.

Suitable summer habitat is located within the project area. Ten (10) trees (0.9 acre) are planned to be removed along SR 252, between Eisenhower Dr. and approximately 200 ft. east of E. Center Cross St. The trees will be removed within 0 to 100 feet from the edge of the roadway, during the inactive season of 2023 – 2024, for installation of sidewalks. Four trees (0.014 actual acreage) are planned to be removed in Johnson County, within 100 and 300 feet from the edge of the roadway, during the inactive season of 2023 – 2024, for the installation of a storm sewer outfall. The dominant tree species to be removed is Maple (Acer).

Mitigation will be required for tree removal between 100 and 300 ft. from edge of pavement. The mitigation calculation is as follows (0.014 actual acreage of tree removal) x (1.75 mitigation ratio for Johnson County) x (\$9,354 current dollar amount for IN) = \$229.17.

Metric Environmental conducted an inspection of the culvert on May 4, 2021. No evidence of bats was identified.

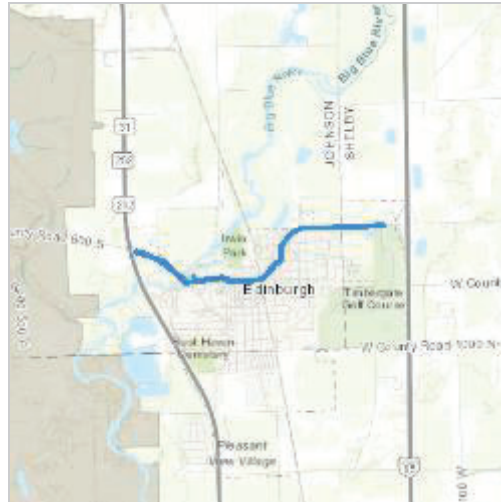
Based on consultation with INDOT Seymour District, March 19, 2021, a review of the U.S. Fish and Wildlife Service (USFWS) database did indicate the presence of endangered bat species in or within 0.5 mile of the project area. On April 26, 2021, a representative from INDOT Seymour District coordinated with USFWS to determine if it should be considered documented habitat. It was determined not to be documented habitat.

Temporary lighting may be required during construction.

Construction should begin in August 2023 and completed November 2024.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.358627999999996,-85.98328643958499,14z>



Counties: Johnson and Shelby counties, 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.

Date & Time of Assessment 4 May 2021 10:45 EST		DOT Project Number 1900353		Route/Facility Carried S.R. 252 (Edinburgh)		County Shelby	
Federal Structure ID CV 252-041-29.94		Structure Coordinates 39.361991 (latitude and longitude) -85.950723		Structure Height (approximate) 4.0 feet		Structure Length 27.0 Feet	
Structure Type (check one)				Structure Material (check all that apply)			
Bridge Construction Style				Deck Material		Beam Material	
☐ Cast-in-place		☐ Pre-stressed Girder		☐ Metal		☐ None	
☐ Flat Slab/Box		☐ Steel I-beam		☐ Concrete		☐ Concrete	
☐ Truss		☐ Covered		☐ Timber		☐ Steel	
☐ Parallel Box Beam		☐ Other:		☐ Open grid		☐ Timber	
				☐ Other:		☐ Other:	
Culvert Type				Culvert Material		Creosote Evidence	
☐ Box		☐ Other Structure		☒ Metal		☐ Yes ☒ No	
☒ Pipe/Round				☒ Concrete		☐ Unknown	
☐ Other:				☐ Plastic		Notes:	
				☐ Stone/Masonry		CMP inside	
				☐ Other:			
Crossings Traversed (check all that apply)				Surrounding Habitat (check all that apply)			
☐ Bare ground		☐ Open vegetation		☒ Agricultural		☐ Grassland	
☐ Rip-rap		☐ Closed vegetation		☐ Commercial		☐ Ranching	
☐ Flowing water		☐ Railroad		☐ Residential-urban		☐ Riparian/wetland	
☒ Standing water		☐ Road/trail - Type:		☒ Residential-rural		☐ Mixed use	
☐ Seasonal water		☐ Other:		☐ Woodland/forested		☐ Other:	
Areas Assessed (check all that apply)							
Check all areas that apply. If an area is not present in the structure, check the "not present" box.							
Document all bat indicators observed during the assessment. Include the species present, if known, and provide photo documentation as indicated.							
Area (check if assessed)		Assessment Notes		Evidence of Bats (include photos if present)			
☐ All crevices and cracks:		☐ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
☒ Bridges/culverts: rough surfaces or imperfections in concrete				☐ Guano		☐ Odor	
☐ Other structures: soffits, rafters, attic areas				☐ Staining		☐ Photos	
☒ Concrete surfaces (open roosting on concrete)		☐ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ Spaces between concrete end walls and the bridge deck		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ Crack between concrete railings on top of the bridge deck		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ Vertical surfaces on concrete I-beams		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ Spaces between walls, ceiling joists		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ Weep holes, scupper drains, and inlets/pipes		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ All guiderails		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
☐ All expansion joints		☒ Not present		☐ Visual - live # dead #		☐ Audible ☐ Species	
				☐ Guano		☐ Odor	
				☐ Staining		☐ Photos	
Name: Jason Damm				Signature:			



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>



IPaC Record Locator: 319-100652882

May 04, 2021

Subject: Consistency letter for the 'Des. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties,' project (no current TAILS record) 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. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties**, (Proposed Action) may rely on 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 (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, and is likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the 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.

This "may affect - likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO to satisfy the agency's consultation requirements for this project. Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative for review, and as the agency deems appropriate, transmit to this Service Office for verification that the project is consistent with the PBO.

This Service Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days to:

- verify that the Proposed Action is consistent with the scope of actions covered under the PBO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the action proposal;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO, and
- identify anticipated incidental take.

ESA Section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

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 may affect any other federally-listed or proposed species and/or 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 advise the lead Federal action agency accordingly.

Project Description

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

Name

Des. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties,

Description

The Indiana Department of Transportation (INDOT), with funding from Federal Highway Administration (FHWA) intends to proceed with a small town reconstruction project on SR 252 from US 31 to 0.18 mile west of I-65 in Edinburgh, Johnson and Shelby Counties, Indiana (Lead Des. No. 1700108, Des. No. 1900353, and Des. No. 1902760).

Lead Des. No. 1700108: The proposed project includes 4-inch functional inlay (milling the top 4 inches of existing hot mix asphalt {HMA} off and replacing it with 4 inches of new HMA) from US 31 to Eisenhower Dr. The bridge over Big Blue River is not included in this project and will be avoided. The pavement along SR 252 from Eisenhower Dr. to Lincoln St. will be reconstructed. There will be a 2-inch functional inlay with Lincoln St. to the pavement break west of I-65. A storm sewer outfall will be installed on the north side of SR 252 to the Big Blue River, approximately 275 feet (ft.) east of Eisenhower Dr. The existing stormwater facilities will be upgraded and repaired. Castings that are substandard and/or functionally obsolete will be replaced. New curb and gutter will be installed. The existing sidewalks and ramps will be upgraded in compliance with American with Disabilities Act (ADA). The existing raised pavement markers (RPMs) will be replaced. The overhead flasher with sign mounted flashers at the intersection of SR 252 and Grant St. will be replaced. New pavement markings, speed limit signs, and instructional signs will be installed.

Des. No. 1902760: New sidewalks and curbs will be installed, where none currently exist, on the south side of SR 252 from Eisenhower Dr. to Pleasant St. and on the south side of SR 252 from Lincoln St. to Lind Dr. (CR 800 E). New permanent lighting will be installed on both sides of SR 252, from River Rd. to Lincoln St., a distance of approximately 5,650 ft. (1.07 miles). The existing cobra head lighting on power poles, located at the intersections, will be removed.

Des. No. 1900353: A 5 ft. x 4 ft. 3-sided culvert (CV 252-041-29.94) with a corrugated metal pipe will be removed and replaced with a 5 ft. x 4 ft. reinforced concrete box culvert.

It is anticipated that the total amount of land acquisition will be 6.74 acres, consisting of 1.03 acre temporary right-of-way, 3.64 acre permanent right-of-way, 1.96 acre reacquisition of permanent right-of-way, and 0.11 acre perpetual easement.

Suitable summer habitat is located within the project area. Ten (10) trees (0.9 acre) are planned to be removed along SR 252, between Eisenhower Dr. and approximately 200 ft. east

of E. Center Cross St. The trees will be removed within 0 to 100 feet from the edge of the roadway, during the inactive season of 2023 – 2024, for installation of sidewalks. Four trees (0.014 actual acreage) are planned to be removed in Johnson County, within 100 and 300 feet from the edge of the roadway, during the inactive season of 2023 – 2024, for the installation of a storm sewer outfall. The dominant tree species to be removed is Maple (Acer).

Mitigation will be required for tree removal between 100 and 300 ft. from edge of pavement. The mitigation calculation is as follows (0.014 actual acreage of tree removal) x (1.75 mitigation ratio for Johnson County) x (\$9,354 current dollar amount for IN) = \$229.17.

Metric Environmental conducted an inspection of the culvert on May 4, 2021. No evidence of bats was identified.

Based on consultation with INDOT Seymour District, March 19, 2021, a review of the U.S. Fish and Wildlife Service (USFWS) database did indicate the presence of endangered bat species in or within 0.5 mile of the project area. On April 26, 2021, a representative from INDOT Seymour District coordinated with USFWS to determine if it should be considered documented habitat. It was determined not to be documented habitat.

Temporary lighting may be required during construction.

Construction should begin in August 2023 and completed November 2024.

Determination Key Result

Based on your answers provided, this project is 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 conclusion and Incidental Take Statement 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.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

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

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. 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

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. 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

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

Yes

20. Are *all* trees that are being removed clearly demarcated?
Yes
21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?
No
22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?
No
23. Does the project include slash pile burning?
No
24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?
Yes
25. 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
26. 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

- *Des1900353 Bridge Culvert Bat Assessment Form 050421.pdf* <https://ecos.fws.gov/ipac/project/A64PP4VYMNFOLEM3M6YNQ3VE5Y/projectDocuments/101793820>

27. 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

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

No

29. 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

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

Yes

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

Yes

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

Yes

33. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting will be installed or replaced?

Yes

34. 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

35. 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

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

No

37. 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

38. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

39. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs outside the Indiana bat's active season is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors.

40. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

41. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs outside the NLEB's active season is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors.

42. 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

43. **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

44. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word "trees" as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS' current summer survey guidance for our latest definitions of suitable habitat.

Yes

45. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

46. **Lighting AMM 1**

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

Yes

47. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

48. **Lighting AMM 2**

Will the **permanent** lighting be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

49. For Indiana bat, if applicable, compensatory mitigation measures are required to offset adverse effects on the species (see Section 2.10 of the BA). Please select the mechanism in which compensatory mitigation will be implemented:

1. *Range-wide In Lieu Fee Program, The Conservation Fund*

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. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.90

4. How many acres^[1] of trees are proposed for removal between 100-300 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.014

5. **Please verify:**

All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

6. Is the project location 0-100 feet from the edge of existing road/rail surface?

Yes

7. Is the project location 100-300 feet from the edge of existing road/rail surface?

Yes

8. **Please verify:**

No documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted between May 1 and July 31.

Yes, I verify that no documented Indiana bat roosts or surrounding summer habitat within 0.25 mile of documented roosts will be impacted during this period.

9. **Please verify:**

No documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Yes, I verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted during this period.

10. Please describe the proposed bridge work:

Des. No. 1900353: A 5 ft. x 4 ft. 3-sided culvert (CV 252-041-29.94) with a corrugated metal pipe will be removed and replaced with a 5 ft. x 4 ft. reinforced concrete box culvert.

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

August 2023 to November 2024

12. Please enter the date of the bridge assessment:

May 4, 2021

13. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *Tree Removal AMM 1*
- *Lighting AMM 1*
- *Lighting AMM 2*
- *Tree Removal AMM 3*
- *General AMM 1*

Avoidance And Minimization Measures (AMMs)

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

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

LIGHTING AMM 1

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

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

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.

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 29, 2020. 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.



United States Department of the Interior Fish and Wildlife Service



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

May 12, 2021

Karstin Carmany-George
Federal Highway Administration
575 N. Pennsylvania St. Room 254
Indianapolis, Indiana 46204
(sent via email)

TAILS: 03E12000-2019-SLI-0695

RE: Des. No. 1700108, Small Town Pavement Replacement, SR 252 in Edinburgh, Johnson and Shelby Counties

Dear Ms. Carmany-George:

The U.S. Fish and Wildlife Service (Service) is responding to your request dated May 4, 2021 to verify that the proposed Small Town Pavement Replacement project on SR 252 in Edinburgh, IN (the Project) may rely on the February 5, 2018, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed endangered Indiana bat (*Myotis sodalis*) and/or federally listed threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated LAA Consistency Letter on May 11, 2021.

This letter provides the Service's response as to whether the Federal Highway Administration may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the Project's effects to the Indiana bat and/or NLEB.

The Federal Highway Administration has determined that the Project is *likely to adversely affect* the Indiana bat and/or the NLEB.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the Federal Highway Administration's commitment to implement any applicable mitigation measures as indicated on the LAA Consistency Letter. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent

with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the Indiana bat and/or the NLEB. In coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Indiana Bat

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of Indiana bats. As described in the Incidental Take Statement (ITS) of the BO, such taking will be difficult to detect. The Service determined that it is appropriate to measure the amount or extent of incidental taking resulting from BO projects using the proposed acreage of tree removal from Indiana bat suitable habitat as a surrogate for the numbers of individuals taken.

The proposed Project will remove a total of **0.914 acre(s)** of trees from habitat that is suitable for the Indiana bat. All tree removal will occur in winter (October 1 – March 30) and comply with all other conservation measures in the BO. Based on the BO, **0.9 acre(s)** of the removal are within 100 feet of the edge of pavement and therefore not anticipated to result in any adverse effects; **0.014 acre(s)** are within 100-300 feet and expected to result in adverse effects.

The Federal Highway Administration uses the mitigation ratio of **1.75** from Table 3 of the BO¹ to calculate the compensatory mitigation required to offset these adverse impacts for a total of **0.0245 acres**² of trees that is suitable for the Indiana bat.

Based on the mitigation identified above² and the information provided in Table 2 of Exhibit E in The Conservation Fund's (TCF) In Lieu Fee (ILF) Instrument³, the Federal Highway Administration will contribute **\$229.17** to TCF prior to the start of construction in order to comply with the mitigation requirements of the program of transportation projects reviewed in the BO. These calculations are based on the 2020-2021 Land Use Values in Table 2 of Exhibit E in TCF's ILF Instrument, which are applicable even if the project construction should occur in a different calendar year. At the time of payment, the Federal Highway Administration or designated non-federal representative shall notify the Service of compliance with the compensatory mitigation requirements as described above.

The purchase of species conservation credits and/or in-lieu fee contributions shall occur prior to construction of a transportation project covered under this programmatic consultation. Exceptions to this program stipulation include emergency projects that do not require a letting prior to construction. In these cases, purchase of credits and/or in-lieu fee contributions shall

¹ https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/IBAT_ILF_ratios_transportation_agencies.pdf

² XX acres * XX ratio

³ https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/IBAT_ExhibitE_Table2_FeeSchedule_LandValues.pdf

occur within three months of completion of the project. This timeframe allows for measuring the acres of habitat affected by the emergency project and for financial processing.

In addition (if applicable), the Project may take up to 5 Indiana bats that were not detected during bridge/culvert bat assessments conducted prior to implementing the proposed work on the various structures. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service (refer to User Guide Appendix E - Post Assessment Discovery of Bats at Bridge/Structure Form). Although such take is reasonably certain to occur at up to 10 bridge projects per year as included in the scope of the BO, it is a remote possibility for any individual project that is implemented consistent with the conservation measures of the BO.

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of Indiana bat incidental take and exempted from the prohibitions of Section 9 of the ESA. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the Federal Transportation Agencies to ensure that State/Local transportation agencies, who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA section 7 compliance using the BO. The implementing terms and conditions for this RPM require the Federal Transportation Agencies to offer training to appropriate personnel about using the BO, and promptly report sick, injured, or dead bats (regardless of species) or any other federally listed species located in project action areas.

Northern Long-eared Bat

The Service anticipates that tree removal associated with the Project will cause incidental take of NLEBs. However, the Project is consistent with the BO, and such projects will not cause take of NLEB that is prohibited under the ESA section 4(d) rule for this species (50 CFR §17.40(o)). Therefore, the incidental take of NLEBs resulting from the Project does not require exemption from the Service.

Reporting Dead or Injured Bats

The Federal Highway Administration, its State/Local cooperators, and any contractors must take care when handling dead or injured Indiana bats and/or NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Federal Highway Administration discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of Indiana bat is exceeded;
2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO; or
4. a new species is listed or critical habitat designated that the Project may affect.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes trees of more than **0.014 acre(s)** of habitat suitable between 100 and 300 feet from the edge of pavement) for the Indiana bat; or
- the Project takes more than 5 Indiana bats resulting from work on the bridge/structure.

In instances where the amount or extent of incidental take is exceeded, the Federal Highway Administration is required to immediately request a reinitiation of this Project-level consultation.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Robin McWilliams Munson at Robin_Mcwilliams@fws.gov.

Sincerely,

SCOTT
PRUITT

Digitally signed by
SCOTT PRUITT
Date: 2021.05.12
16:14:15 -04'00'

Scott Pruitt
Field Supervisor

Cc: (via email)
Meghan Hinkle, INDOT, Indianapolis, IN
David Dye, INDOT,
Susan Castle, Metric Environmental, Indianapolis, IN
Ibat ILF coordinator – to be sent by INDOT at later date



INDIANA GEOLOGICAL SURVEY

Indiana Geological and Water Survey (IGWS)

Organization and Project Information

Project ID: 18-0002
Des. ID: 1700108
Project Title: Small Town Pavement Replacement Project SR 252, Edinburgh, Johnson and Shelby Counties
Name of Organization: Metric Environmental, LLC
Requested by: Samuel Snell

Environmental Assessment Report

1. Geological Hazards:

- High liquefaction potential
- Floodway

2. Mineral Resources:

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

3. Active or abandoned mineral resources extraction sites:

- None documented in the area

*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.

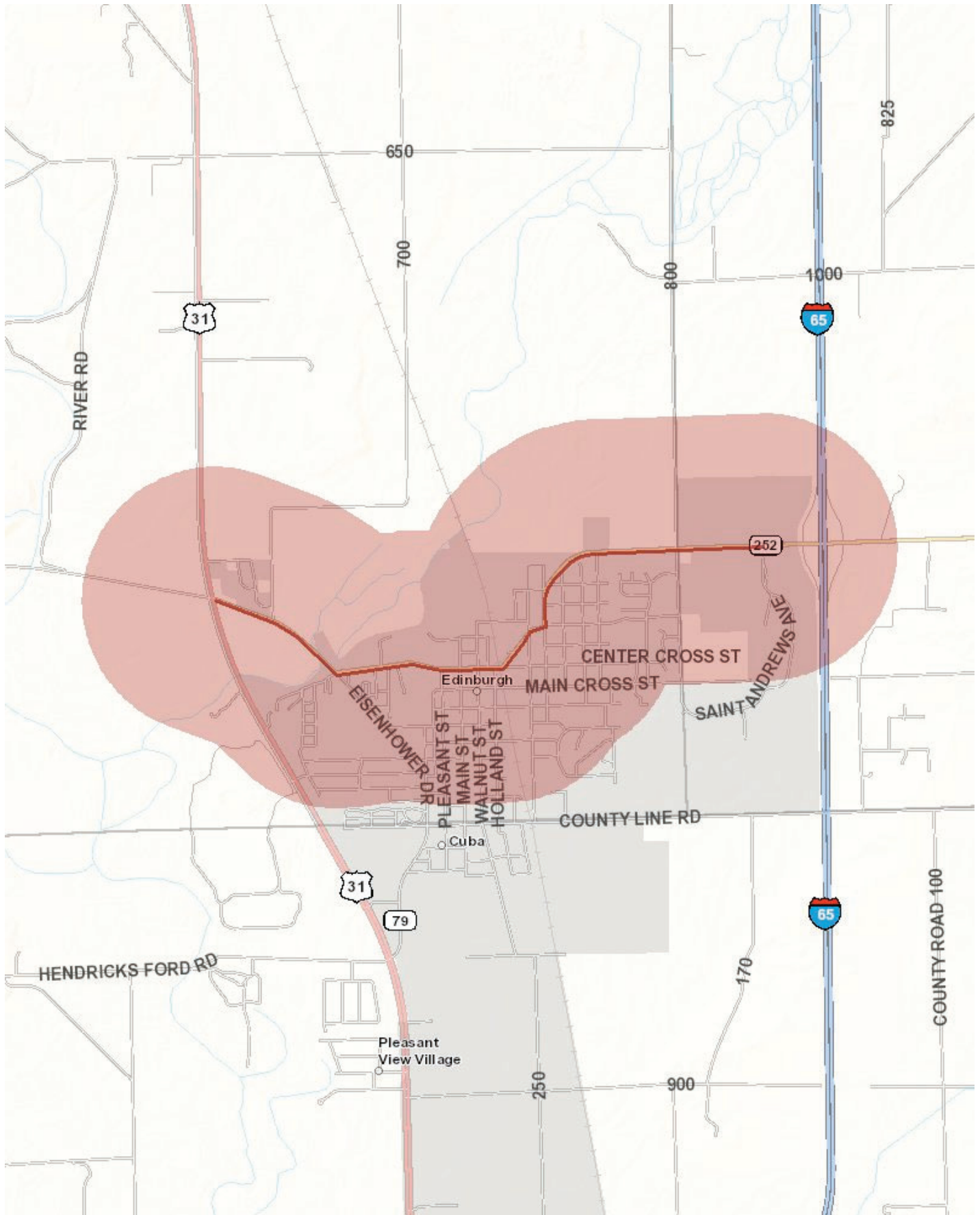
This information was furnished by Indiana Geological Survey

Address: 611 N. Walnut Grove Avenue, Bloomington, IN 47405-2208

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: May 17, 2018



Metadata:

- 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

Susan Castle

Subject: FW: Wellhead Protection Coordinator

From: Turnbow, Alisha <ATurnbow@idem.IN.gov>

Sent: Friday, May 18, 2018 10:50 AM

To: Sam Snell <sams@metricenv.com>

Cc: Susan Castle <susanc@metricenv.com>

Subject: RE: Wellhead Protection Coordinator

Dear Sam,

The contact information for Edinburg Water Utility is David Rakes and he can be reached at drakes@edinburgh.in.us or (812) 526-3534.

You are correct, IDEM no longer publishes wellhead protection identifying information publicly. Let me know if you have any questions.

Sincerely,

Alisha Turnbow, Environmental Manager
Ground Water Section – Drinking Water Branch
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
(317) 233-9158

Date: 11/19/19

Subject:

Utility Relocation Work Plan for:	Town of Edinburgh Utility
Facility Type:	Water

Section 1: General Information**A. INDOT/LPA Project Information**

1. DES NO.:	1700108
2. Route Number:	SR 252
3. Location:	US 31 to 0.81 miles West of I-65 Johnson & Shelby Counties RP 38+14 to 30+22
4. Work Type:	Pavement Reconstruction
5. Letting Date:	9/13/23
6. Date Conflict Analysis Response Due	7/27/19
7. Target Date for Utility to be out of conflict with INDOT Project	7/5/23

B. Utility Designated Contact – Information

1. Designated Contact Name:	William Jones
2. Office telephone:	812-526-3534
3. Mobile telephone:	812-350-3560
4. Email address:	bjones@edinburgh.in.us
5. Agency name	Town of Edinburgh
6. Address:	308 N. Walnut St. P.O Box 65
7. City, State, Zip Code:	Edinburgh, In 46124
8. Construction Emergency Contact:	
Name:	William Jones
Number:	812-350-3560

- C. By signing here, the Utility has determined to the best of their ability that they do not have facilities within the project area:

Signature of Utility Representative_____
Print Name_____
Date

Note: A signature by the utility representative at item “(C)” fulfills the requirement to complete the rest of this form and affirms their contact information above is correct

D. INDOT/LPA Utility Coordinator Contact Information

1.	Utility Coordinator Name:	Natalie S. Parks, P.E.
2.	Office Telephone:	317.526.9045
3.	Mobile Telephone:	317.526.9045
4.	Email Address:	nparks@usiconsultants.com
5.	Agency Name:	USI Consultants, Inc.
6.	Address:	8415 E 56 th Street
7.	City, State, Zip Code	Indianapolis, IN 46216

Section 2: A narrative description of the facility relocation that will be required. [IAC 13-3-3(c)]

A. Describe what types of existing active and inactive facilities are present.

There is approximately 2,950 LFT of 12", 350 LFT of 8", and 2,450 LFT of 4" water main of various pipe types. Other types of water main devices are also located within the project limits and those include but are not limited to fire hydrants, water valves, and water services.

B. Describe the location of existing active and inactive facilities.

12" water main runs along the south side of SR 252 from Sta 39+00 to 57+00 and crosses to the north side of SR 252 at Sta 57+00 and continues north. There is also 12" water main on the north side of SR 252 starting at 85+00 and heads east to station 97+00.

8" water main running north and south in pavement on N. Kyle St. and heads east on SR. 252 along the south edge of pavement and turns and goes east on Shelby St.

4" water main runs along the south side of SR 252 parallel to the 12" water main from Sta 39+00 to Sta 49+75 and then heads south on N Blue River Dr. There is 4" water main starting at approximate Sta 60+50 in pavement heading north on N. Pleasant St. and crosses SR 252 and heads east in pavement on SR 252. At approximate Sta 72+00 the 4" line crosses the center line of SR 252 and continues east in pavement on the south side of SR 252 to N Kyle St. 4" water main is also existing on the south side of SR 252 from Shelby to Bachelor St.

C. Describe what will be done with existing active and inactive facilities.

All water main facilities within the project limits with either be relocated or lowered to avoid conflict with the proposed road improvements. Areas where the 4" and 12" water mains exist parallel to each other the 4" will be retired in place and the existing 12" main will be relocated if necessary due to road improvement conflicts.

D. Describe the details of the proposed new facilities.

New 12" and 8" water main, fire hydrants, valves, and services will be installed.

E. Describe the proposed location of the new facilities.

At this time the location of the new facilities is still being determined. The work plan will be revised to reflect the new location of the water main and its facilities.

F. By signing here, the Utility has determined to the best of their ability that they have facilities within the project area and the facilities are not in conflict with the project based upon the plans received on 11/20/19.

 Signature of Utility Representative

 Print Name

 Date

Note: A signature by the utility representative at item "(F)" fulfills the requirement to complete the rest of this form and affirms their contact information above is correct.

Section 3: Please complete the remainder of this form if you believe relocations may be required.

- A. If relocation is required, what is the approximate time involved in the relocation effort?
120 to 160 days.
- B. If relocation is required, what utility related issues could cause delays in keeping the project on schedule for relocation? (For example, lead time on material, RR permits, etc.)
At this time there are no foreseen utility related issues that could cause delays in keeping the project on schedule. The Town of Edinburgh will allow the water main relocations to be completed within the contract.

Floodplain Administrator

Susan Castle

Subject: FW: [External]Work in AE Floodway, Town of Edinburgh, Des. No. 1700108, Small Town Reconstruction Project

From: Wade Watson <wwatson@edinburgh.in.us>

Sent: Friday, February 11, 2022 4:49 PM

To: Susan Castle <susanc@metricenv.com>

Subject: RE: [External]Work in AE Floodway, Town of Edinburgh, Des. No. 1700108, Small Town Reconstruction Project

Good Afternoon Susan,

Thank you for the opportunity to review this project. The Town of Edinburgh has reviewed the plans for this project. We have no comments or major concerns with the planned excavation within the floodway as identified with this submittal.

Please let me know if I may be of further assistance.

Best,

Wade D Watson

Planning Director

107 S Holland St

Edinburgh, Indiana 46124

wwatson@edinburgh.in.us

(812) 314-5114



Statement of Confidentiality: This message is intended only for the individual or entity to which it is sent and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies of the original message.

From: Susan Castle <susanc@metricenv.com>

Sent: Thursday, February 10, 2022 2:57 PM

To: Wade Watson <wwatson@edinburgh.in.us>

Subject: [External]Work in AE Floodway, Town of Edinburgh, Des. No. 1700108, Small Town Reconstruction Project

You don't often get email from susanc@metricenv.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Wade,

We are preparing an environmental document for the above referenced project.

The project is located on SR 252 from US 31 to 0.18 mile west of I-65 in the Town of Edinburgh, Indiana. Please see the attachment titled Indiana Floodplain Information Portal 2. Pdf

There will be a storm outlet pipe, 212 ft. long and 36 inches in diameter from SR 252 and extending north to the Big Blue River. The area of excavation within the floodway is identified on the attached Floodplain_report map by the blue point of interest dot.

This project may qualify for a general license under Administrative Rule 312 IAC 10-5 that applies to outfall structures. The project Designer will coordinate with the Indiana Department of Natural Resources if a Construction in a Floodway Permit is required.

I apologize; however, I thought I had sent you an e-mail on February 2, 2022. I did not. I am anticipating submitting our environmental document to the Indiana Department of Transportation next week.

Can you please respond to this e-mail by early next week and let me know if you have any comments to include in the environmental document pertaining to the floodway?

Please let me know if you need additional information.

Thank you very much.



Susan Castle

*Senior Scientist
NEPA Compliance*

O 317.608.2730

M 317.379.3649

6958 Hillside Court
Indianapolis, IN 46250
www.metricenv.com

Certified DBE/MBE/SBE Company
Indiana | Kentucky | Ohio | West Virginia



United States Department of Agriculture

Natural Resources Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278
317-290-3200

June 6, 2018

Samuel P. Snell
Archaeological Principal Investigator
Metric Environmental
6971 Hillside Court
Indianapolis, Indiana 46250

Dear Mr. Snell:

The proposed project to address the functional and structural deficiencies as well as the deteriorated curbs and gutters in Johnson and Shelby Counties, Indiana (Des. No. 1700108), as referred to in your letter received May 17, 2018, will not be able to be determined at this time due to a lack of site specific information. Please resubmit when specific/potential impacts are determined.

If you need additional information, please contact Rick Neilson at 317-295-5875.

Sincerely,

A handwritten signature in blue ink that reads "Gerald L. Roach".

GERALD L. ROACH
Acting State Conservationist

Helping People Help the Land.



USDA is an equal opportunity provider and employer.



Natural Resources Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, IN 46278
317-290-3200

April 19, 2021

Susan K. Castle
Metric Environmental
6971 Hillsdale Court
Indianapolis, Indiana 46250

Dear Ms. Castle:

The revised project to proceed with the pavement replacement along State Road 252 from US 31 to west of I-65 in Johnson and Shelby Counties, Indiana (Des No 1700108, 1902760 and 1900353), as referred to in your letter received March 30, 2021, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

RICHARD
NEILSON

Digitally signed by
RICHARD NEILSON
Date: 2021.04.20
09:39:39 -04'00'

RICK NEILSON
State Soil Scientist

Helping People Help the Land.



USDA is an equal opportunity provider, employer and lender.



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

PHONE: (317) 232-1477
FAX: (317) 232-1499

Eric Holcomb, Governor
Joe McGuinness, Commissioner

May 29, 2018

Mr. Samuel P. Snell, Archaeological Principal Investigator
Metric Environmental
6971 Hillsdale Court
Indianapolis, IN 46250

Subject: Early Coordination Review (*Des. No. 1700108*)

Dear Mr. Snell,

In response to your request on May 17, 2018 for early coordination review of a pavement replacement project in Johnson and Shelby Counties, Indiana; the Indiana Department of Transportation, Office of Aviation has reviewed the information and provides the following:

Are there any existing or proposed public-use airports within 5 nautical miles of the project limits (*IC 8-21-10-6*)?

The nearest public-use airport is located beyond five nautical miles of the proposed project site.

Will an Indiana Tall Structure permit (*IC 8-21-10-3-a*) and/or Noise Sensitive (*IC 8-21-10-3-b*) permit be required?

Based upon the provided information, an Indiana Tall Structure permit would not be required unless the project involves the construction of a temporary (e.g., crane) or permanent structure that exceeds 200 feet above ground level.

For any questions related to Indiana Tall Structure and/or Noise Sensitive permitting, please contact James Kinder at (317) 232-1485 or jkinder2@indot.in.gov.

Sincerely,

Adam French, MPA
Chief Airport Inspector, Office of Aviation
Indiana Department of Transportation

APPENDIX D

Section 106 of the National Historic Preservation Act

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 ·



February 21, 2022

Scott Henley
Cultural Resources Associate
SJCA, Inc.
9102 N. Meridian Street, Suite 200
Indianapolis, Indiana 46260

Federal Agency: Indiana Department of Transportation (“INDOT”),
on behalf of Federal Highway Administration, Indiana Division (“FHWA”)

Re: Updated project information, second addendum Phase Ia archaeological literature review and field reconnaissance survey report (Jackson, 01/20/2022), addendum to 800.11(e) documentation and effects finding, and Indiana Department of Transportation’s finding of “no adverse effect,” on behalf of the Federal Highway Administration, for the Small-Town Pavement Replacement Project on SR 252 (Des. No. 1700108 & 1902760; DHPA No. 22494)

Dear Mr. Henley:

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108), implementing regulations at 36 C.F.R. Part 800, and the “Programmatic Agreement (PA) Among the Federal Highway Administration, the Indiana Department of Transportation, the Advisory Council on Historic Preservation and 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 (“Indiana SHPO”) has reviewed your January 21, 2022, submission which enclosed the aforementioned updated information and INDOT’s finding and addendum supporting documentation for the aforementioned project, received by our office the same day for this project in Edinburgh, Johnson and Shelby counties, Indiana.

Thank you for providing updated information regarding changes to the proposed project. We note that Des. No. 1902760 has been added to cover the installation of new sidewalk on the south side of SR 252 from Eisenhower to Pleasant Street, a new multi-use path on the south side of SR 252 from Lincoln Street to Lind Street, new lighting on both sides of SR 252 from Eisenhower Drive to Lincoln Street, and the replacement of gravel drive approaches on the south side of SR 252 from Lincoln Street to Lind Drive. As we indicated in our March 29, 2021, response letter, we noted that the aforementioned sidewalk and multi-use pathway were already included as part of the project. Now they are incorporated under a new Des. No. and the proposed lighting and gravel drive replacements are presented as new items to the second Des. No.

Based on the updated information presented within the 800.11(e) addendum documentation, we agree that there are no additional historic properties listed or eligible for inclusion in the National Register of Historic Place (“NRHP”) and that the project as proposed will not adversely affect the previously identified historic properties located within the project’s area of potential effects. However, if another consulting party disagrees with any of these conclusions, then further consultation would be necessary. Again, we appreciate the notation that the stone wall along SR 252 will not be disturbed even though the construction of the new sidewalk will encroach the wall at the western end.

In terms of archaeological resources within the latest additions to the proposed project area, based on 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 NRHP within the latest additions to the proposed project area as described in the second addendum Phase Ia archaeological literature review and field reconnaissance survey report (C. Jackson, 01/20/2022) as having been subjected to archaeological investigations. Additionally, we concur with the opinion of the archaeologist, as expressed in the archaeological report, that archaeological sites 12-Jo-0757, 12-Jo-0758, and 12-Jo-0759 (all of which were identified during the recent archaeological investigations) do not appear eligible for listing in the NRHP, and that no further archaeological investigations of the latest additions to the proposed project area appear necessary. We note that the archaeological site record forms for these three sites have been uploaded into the Indiana DNR-DHPA SHAARD system database. They will be reviewed.

Additionally, as previously indicated, based on 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 NRHP within the original portions of the proposed project area, and we concur with the opinion of the archaeologist, as expressed in the Indiana archaeological short report (C. Jackson, 11/30/2018), that no further archaeological investigations appear necessary at the original portions of the proposed project area.

Furthermore, as previously indicated, based on 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 NRHP within the previous additions to the proposed project area as described in the addendum Phase Ia archaeological field reconnaissance survey report (C. Jackson, 11/13/2019) as having been subjected to archaeological investigations. Additionally, we concur with the opinion of the archaeologist, as expressed in the archaeological report, that there is insufficient information regarding archaeological site 12-Jo-0729 (which was identified during these archaeological investigations, and portions of which lie within the additional portions of the proposed project area) to determine whether it is eligible for inclusion in the NRHP. However, we concur with the opinion of the archaeologist, as expressed in the archaeological report, that the portions of site 12-Jo-0729 that lie within the proposed project area are unlikely to contain intact archaeological deposits; and that no further archaeological investigations of these portions of 12-Jo-0729, or of the additional portions of the proposed project area, appear necessary. The portions of site 12-Jo-0729 that lie outside the proposed project area should be clearly marked and must be avoided by all ground-disturbing project activities. If avoidance is not feasible, then a plan for subsurface archaeological investigations must be submitted to the DHPA for review and comment. Any further archaeological investigations must be done in accordance with the "Secretary of the Interior's Standards and guidelines for Archeology and Historic Preservation" (48 F.R. 44716).

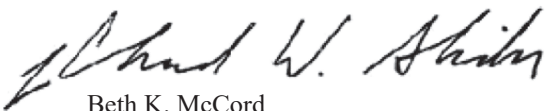
If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29) requires that the discovery be reported to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and Indiana Code 14-21-1-29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. Part 800.

Accordingly, we concur with INDOT's January 19, 2022, Section 106 finding of "No Adverse Effect" on behalf of FHWA for this federal undertaking.

The archaeological reviewer for this project on the Indiana SHPO staff is Wade T. Tharp and the structures reviewer is Danielle Kauffmann. However, if you have questions about our comments or about the review process, please contact initially the INDOT Cultural Resource Office staff members assigned to this project.

In any future correspondence regarding the Small-Town Pavement Replacement Project on SR 252 in Johnson and Shelby counties, (Des. No. 1700108 & 1902760), please continue to refer to DHPA No. 22494.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:WTT:wt

emc: Erica Tait, FHWA
Anuradha Kumar, INDOT
Susan Branigin, INDOT
Matt Coon, INDOT
Scott Henley, SJCA, Inc.
Mark Dollase, Indiana Landmarks, Central Regional Office
Wade Watson, Edinburgh Town Manager
Lyman and Corbalou Snyder
Diane Hunter, Miami Tribe of Oklahoma
Wade T. Tharp, Indiana DNR-DHPA
Danielle Kauffmann, Indiana DNR-DHPA

SR 252 Small Town Pavement Replacement Project

Edinburgh, Johnson, and Shelby Counties, Indiana

Des. No. 1700108; DHPA No. 22494

Addendum to 800.11(e) Documentation and Effects Finding



January 2022

Prepared for:
Metric Environmental
6958 Hillsdale Court
Indianapolis, IN 46250

A handwritten signature in black ink, appearing to read "S. Henley".

Scott Henley
SJCA, Inc.
9102 N. Meridian St., Suite 200
Indianapolis, IN 46260



t. 317.566.0629

e. shenley@sjcainc.com

**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
252 Small Town Pavement Replacement Project
Edinburgh, Johnson, and Shelby Counties, Indiana
Des. No. 1700108; DHPA No. 22494**

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

The Area of Potential Effects (APE) of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. See Appendix A for maps of the APE.

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

There are three resources eligible for listing in the National Register of Historic Places (NRHP):

John and Mary Thompson House, 106 N. Pleasant Street (referred to in the Indiana Historic Sites and Structures Inventory (IHSSI) as the J. A. Thompson House, IHSSI #081-181-44030) - an Italian Villa-style house built c. 1865. A barn and gazebo are also associated with the property. It is recommended eligible for listing in the National Register of Historic Places (NRHP) under Criterion B for its association with John Alexander Thompson, a significant businessman in Edinburgh and Indiana writ large, and under Criterion C for its embodiment of significant characteristics of the Italian Villa architectural style.

Thompson Dam (IHSSI #081-181-40018) - a stacked and mortared limestone low head dam configured in a slight arc across the Big Blue River. It is recommended eligible for listing in the NRHP under Criterion C since the dam, a significant feat of engineering when constructed in 1884, is still intact.

Martin Cutsinger Grain Elevator Complex, 101 Shelby St./305 E. Center Cross St. (not previously surveyed, assigned #081-181-G13) - constructed in 1915 by Martin Cutsinger, a businessman in the town of Edinburgh, to replace a former wooden elevator. It is recommended eligible for listing in the NRHP under Criterion A for its significance in the development of commerce in Edinburgh and under Criterion C for the significance of its architecture.

**EFFECT FINDING
(Pursuant to 36 CFR 800.4(d)(1))**

John and Mary Thompson House (#081-181-44030) – The undertaking will have “No Adverse Effect” on the John and Mary Thompson House.

Thompson Dam (#081-181-40018) – The undertaking will have “No Adverse Effect” on the Thompson Dam.

Martin Cutsinger Grain Elevator Complex (#081-181-G13) – The undertaking will have “No Adverse Effect” on the Martin Cutsinger Grain Elevator Complex.

INDOT, acting on FHWA's behalf, has determined a "No Adverse Effect" finding is appropriate for this undertaking. INDOT respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of effect.

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

John and Mary Thompson House – This undertaking will convert 6,629 square feet of permanent right-of-way and 2,34 square feet of temporary right-of-way from the John and Mary Thompson House, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, FHWA hereby intends to use a "de minimis" finding for the John and Mary Thompson House pursuant to SAFETEA-LU, thereby satisfying FHWA's responsibilities under Section 4(f) for this historic property.

Thompson Dam - This undertaking will not convert property from the Thompson Dam, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, no Section 4(f) evaluation is required for the Thompson Dam.

Martin Cutsinger Grain Elevator Complex - This undertaking will convert 510 square feet of permanent right-of-way and 357 square feet of temporary right-of-way from the Marvin Cutsinger Grain Elevator Complex, a Section 4(f) historic property, to a transportation use; INDOT, acting on FHWA's behalf, has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore, FHWA hereby intends to use a "de minimis" finding for the Marvin Cutsinger Grain Elevator Complex pursuant to SAFETEA-LU, thereby satisfying FHWA's responsibilities under Section 4(f) for this historic property.

Anuradha V. Kumar

Anuradha V. Kumar, for FHWA
Manager
INDOT Cultural Resources

01/19/2022

Approved Date

FEDERAL HIGHWAY ADMINISTRATION
ADDENDUM DOCUMENTATION OF SECTION 106 FINDING OF
“NO ADVERSE EFFECT”
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR 800.5 (c)
SR 252 Small Town Pavement Replacement Project
Edinburgh, Johnson, and Shelby Counties, Indiana
Des. No. 1700108; DHPA No. 22494

1. DESCRIPTION OF THE UNDERTAKING

The Indiana Department of Transportation (INDOT), with funding from the Federal Highway Administration (FHWA), proposes to proceed with the SR 252 Small Town Pavement Replacement Project, Des. No. 1700108.

The purpose of this project is to improve the overall pavement condition by restoring the load-carrying capacity of the pavement and removing functional and structural deficiencies. Further, this project will establish new drainage patterns, widen the pavement in each direction, where practical, to provide additional edge support, and update/replace pedestrian facilities in Edinburgh. The need for this project is due to SR 252 in Edinburgh showing signs of functional structural distress, predominantly block cracking and map/fatigue cracking in the wheel path. Rutting suggests areas of poor subgrade condition, which is attributed to the lack of a comprehensive storm water facility. Pedestrian facilities and curb and gutter are badly deteriorated, broken, buried and nonexistent in places. Additionally, moderate to severe edge distresses exist outside the town section.

The proposed undertaking remains located on SR 252 in Edinburgh, Johnson, and Shelby Counties, Indiana. Specifically, the project is located in the Blue River and Edinburgh USGS Topographic Quadrangles, in Section 26, 33, 34, and 35, Township 11 North, Range 5 East.

The purpose of this project is to improve the overall pavement condition by restoring the load-carrying capacity of the pavement and removing functional and structural deficiencies. Further, this project will establish new drainage patterns, widen the pavement in each direction, where practical, to provide additional edge support, and update/replace pedestrian facilities in Edinburgh. The need for this project is due to SR 252 in Edinburgh showing signs of functional, structural distress, predominantly block cracking and map/fatigue cracking in the wheel path. Rutting suggests areas of poor subgrade condition, which is attributed to the lack of a comprehensive stormwater facility. Pedestrian facilities and curb and gutter are badly deteriorated, broken, buried, and nonexistent in places. Additionally, moderate to severe edge distress exists outside the town section.

The preferred alternative of reconstructing SR 252 with the following improvements and new installations remains unchanged from the 2021 “No Adverse Effect” Finding:

- Remove and replace the existing pavement along SR 252 from US 31 to the pavement break west of I-65;

- Remove and replace existing stormwater facilities, curb and gutter, curb ramps and sidewalks, raised pavement markers, overhead flashers at the intersection of SR 252 and Grant St.; and,
- Under Des. No. 1900353, CV 252-041-29.94, a 5' x 4' 3-sided culvert, will be removed and replaced with a 5' x 4' reinforced concrete box culvert.

Since the distribution of the 2021 “No Adverse Effect” Finding on March 1, 2021, the following work had been determined to take place under Des. No. 1902760, which will let at the same time as a kin project to Des. No. 1700108:

- Install new sidewalk on the south side of SR 252 from Eisenhower St. to Pleasant St.;
- Install a multi-use path on the south side of SR 252 from Lincoln St. to Lind St. (County Road 800 E);
- Install lighting on both sides of SR 252 from Eisenhower Dr. to Lincoln St.; and,
- Replace gravel drive approaches on the south side of SR 252 from Lincoln St. to Lind Dr.

The new sidewalk on the south side of SR 252 from Eisenhower St. to Pleasant St. and the multi-use path on the south side of SR 252 from Lincoln St. to Lind St. were original scope items and noted as such in the previous finding document. They had not been designated at that time as part of Des. No. 1902760. The new scope items for this project that are under Des. No. 1902760 are the new lighting to be installed on both sides of SR 252 from Eisenhower Dr. to Lincoln St. and the replacement of gravel drive approaches on the south side of SR 252 from Lincoln St. to Lind Dr.

The project limits remain unchanged with the exception of four properties proposed to be relocated; these properties’ boundaries have expanded the project limits in the following four locations:

1. 308 W. Center Cross St./SR 252 (north side of SR 252, approximately 230 feet west of N. Pleasant St.)
2. 113 N. Main St. (southeast corner of SR 252/W. Center Cross St. and Main St.)
3. 308 Shelby St. (northwest corner of SR 252/Grant St. and Shelby St.)
4. 401 N. Grant St. (northeast corner of SR 252/Grant St. and Shelby St.)

The 2021 “No Adverse Effect” Finding stated that the total amount of land acquisition would be 6.734 acres (1.028 acres temporary right-of-way; 3.635 acres permanent right-of-way; 1.963 acres of reacquired right-of-way; and 0.108 acre of perpetual easement). Currently, 7.020 acres (1.317 acres temporary right-of-way; 3.632 acres permanent right-of-way; 1.963 acres of reacquired right-of-way; and 0.108 acre of perpetual easement) acquisition are anticipated.

Right-of-way has not changed at the historic properties since the 2021 “No Adverse Effect” Finding noted that right-of-way will be required at two historic properties.

The area of potential effects (APE), as defined in 36 CFR 800.16(d), is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” The APE of the project includes all properties adjacent to the project and those with a proximate viewshed of the project. Urban

development limited the APE within Edinburgh. At its widest point, the APE extends approximately 1,400 feet; at its narrowest, the APE extends only approximately 50 feet.

The APE was modified since the distribution of the 2021 “No Adverse Effect” finding. This change was made to accommodate the relocation of the four properties at 308 W. Center Cross St., 113 W. Center Cross St., 308 Shelby St., and 401 N. Grant St. These relocations are necessary due to the realignment and widening of the roadway. The revised APE has been expanded approximately 210 feet north behind 308 W. Center Cross St.; approximately 150 feet south down N. Main St. adjacent to 113 W. Center Cross St.; and approximately 90 feet west along Shelby St. behind 401 N. Grant St. See Appendix A for maps of the revised APE.

The archaeological APE consists of all proposed new, temporary, or existing right-of-way as well as any additional areas investigated beyond it. The archaeological APE has also expanded to accommodate the realignment of the project area. See Appendix A for maps of the APE.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES and CONSULTING PARTY CORRESPONDENCE

Background

Efforts to identify historic properties date to 2018, when Green 3 LLC, now SJCA Inc., initiated environmental consultation for this project.

Efforts to Identify Historic Properties: 2018-March 2021

The NRHP, Indiana Register of Historic Sites and Structures (State Register), and the Indiana Historic Buildings, Bridges, and Cemeteries Map (IHBBM), showing results of the Indiana Historic Sites and Structures Inventory (IHSSI), were consulted. There are no Historic American Building Survey (HABS)/Historic American Engineering Record (HAER)/Historic American Landscapes Survey (HALS) resources identified within the vicinity of the project. The *Indiana Historic Bridge Inventory, Volume 2: Listing of Historic and Non-Historic Bridges* (February 2009) by M & H Architecture, Inc. was reviewed. No historic bridges were identified within the APE.

Connie Ziegler, a qualified professional historian, conducted a site visit of the project area on February 14, 2018. She documented above-ground resources within the APE that are at least 50 years of age, or that will be at least 50 years of age at the time of the project letting (expected 2022). The historian walked and drove both the project alignment and the APE, taking photographs of all resources meriting a “Contributing” or higher rating. Non-contributing resources or those that did not meet the age requirements were noted but not documented other than in general streetscape photographs. Please see Appendix B for photos.

A Historic Property Report (HPR) was completed for the project (Ziegler, April 2018). Three resources were recommended eligible for listing in the NRHP: J. A. Thompson House, IHSSI #081-181-44030; Thompson Dam (IHSSI #081-181-40018); and the Martin Cutsinger Grain Elevator Complex (#081-181-G13).

On May 1, 2018, an Early Coordination Letter (ECL) was distributed to consulting parties inviting them to participate in the Section 106 process. Along with the ECL, the HPR was also

distributed to consulting parties. Below is the list of invited consulting parties. Those identified in bold print are participating consulting parties.

Indiana State Historic Preservation Officer (SHPO) (automatic consulting party)

Indiana Landmarks, Central Office

Johnson County Historical Society/Museum

Indianapolis Metropolitan Planning Organization

Johnson County Commissioners

Shelby County Board of Commissioners

Shelby County Historical Society

Shelby County Genealogical Society

Town of Edinburgh, Town Manager

Town of Edinburgh, Street Superintendent

Eastern Shawnee Tribe of Oklahoma

Miami Tribe of Oklahoma

Peoria Tribe of Indians of Oklahoma

Pokagon Band of Potawatomi Indians

Lyman and Corbalou Snyder*

Patrick W. Black**

Norman Richard and Lydia Ann Barnett***

*property owners of John and Mary Thompson House, 106 N. Pleasant St.

**property owner of Martin Cutsinger Grain Elevator Complex, 101 Shelby St./305 E. Center Cross St.

***property owners of Thompson Dam, located east of the SR 252 bridge over the Big Blue River

On May 10, 2018, the Miami Tribe of Oklahoma sent a letter accepting the invitation to serve as a consulting party for the proposed project. They offered no objection to the project.

On May 25, 2018, the SHPO responded to the early coordination letter, stating that they were unaware of any parties who should be invited to participate in the Section 106 consultation on this project, beyond those whom INDOT had already invited. SHPO stated that the APE appeared appropriate for a project of this nature and size. They also agreed with the conclusions drawn in the HPR concerning the NRHP eligibility of the John and Mary Thompson House (#081-181-44030) and the Thompson Dam (#081-181-40018). As for the Martin Cutsinger Grain Elevator Complex (#081-181-G13), SHPO agreed it was eligible for listing in the NRHP under Criterion A. However, SHPO disagreed with the downgrading of the house at 219 Kyle Street (IHSSI #081-181-44003) from Notable to Contributing. SHPO maintained that the home was Notable, since further research may reveal that the property is eligible for NRHP listing. In conclusion, SHPO stressed the need to assess adverse effects that the project may have on these historic structures, especially whether any right-of-way would be taken from these historic properties.

On May 30, 2018, the Edinburgh Town Manager accepted consulting party status. The town manager said that they had established a Citizen's Committee to investigate the town's collective

interests for the improvements they would like to see in the project. This committee included residents and businesses with property adjacent to the project area, as well as representatives from both the Town Council and the Town of Edinburgh Utility group. The town manager attached a copy of a report created by this Citizen's Committee. Please see Appendix C for a full copy of this report.

With regards to archaeology, Christopher Jackson, M.S., RPA, conducted a Phase Ia archaeological reconnaissance investigation (Jackson, November 2018). The investigation identified no archaeological sites within the project area, and it is recommended that the project be allowed to proceed as planned. The archaeology report was sent to consulting parties (tribes only) on December 12, 2018.

SHPO responded to the Phase Ia archaeology report on March 5, 2019, stating that they had not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP. They concluded that no further archaeological investigations appeared necessary within the project area. SHPO also reiterated their comments in their previous letter agreeing with the determinations of NRHP eligibility made over the John and Mary Thompson House ((#081-181-44030), the Thompson Dam (#081-181-40018), and the Martin Cutsinger Grain Elevator Complex (#081-181-G13) and repeated the need to assess adverse effects that the project may have on these structures.

On January 3, 2020, an effects letter and addendum to the archaeology report were distributed to consulting parties. Lyman and Corbalou Snyder were added as consulting parties, owner of the John and Mary Thomson House, 106 N. Pleasant St. The letter notified the parties that the limits of the project had changed slightly since the HPR was completed due to an additional area being added to the project for a storm sewer overflow, The QP historian determined the above-ground APE was large enough to encompass the new project area; however, additional archaeological work was required. An archaeological addendum (Jackson 11/13/2019) identified one site, 12-Jo-729, and recommended the site as not eligible for the NRHP. No further work was recommended.

SHPO responded on February 4, 2020. They noted that the existing stone wall on the site of the John and Mary Thompson House (#081-181-44030) extends beyond the historic property boundary to the west and may be affected by the project. SHPO noted that the plan sheets will be marked "do not disturb," and they strongly recommended that this be marked for the stone wall in its entirety. Moreover, SHPO recommended a similar note be made on the plan sheets regarding the permanent right-of-way acquisition near the north corner of the aluminum vent shaft of the NRHP-eligible Martin Cutsinger Grain Elevator (#081-181-G13). SHPO also agreed with the determinations made in the addendum to the archaeology report.

Response: Regarding the stone wall, it is drawn in its entirety and marked "Do not disturb." Additionally, the revised plan sheets in Appendix E identify that right-of-way acquisition is no longer anticipated from the property where the grain elevator is located; currently, the only right-of-way acquisition is anticipated to be acquired from the office building property. No historic elements are anticipated to be removed or altered from the Grain Elevator Complex.

On February 6, 2020, Indiana Landmarks requested consulting party status and requested additional time to digest information related to the project, since they would become a consulting party relatively late in the process. On February 10, 2020, after additional time was granted by the consultant, Indiana Landmarks stated that they had reviewed all information and had no additional comments to make at that time.

On March 1, 2021, INDOT, on behalf of FHWA, signed the “No Adverse Effect” finding for this project (see Appendix D). The signed finding was distributed to SHPO and consulting parties on March 1, 2021.

A public notice was published in the *Daily Journal* (Franklin, IN) on March 5, 2021. No comments were received. See Appendix C for a copy of the Publisher’s Affidavit.

On March 29, 2021, SHPO staff responded to the finding of “No Adverse Effect” stating “we believe that the additional right-of-way proposed based on the construction of a new sidewalk and multi-use path will not adversely affect the historic properties listed or eligible for inclusion in the National Register of Historic Places (“NRHP”) located within the project’s area of potential effects.”

None of the other consulting parties provided any additional comments regarding the early coordination letter, HPR, or archaeological investigations. Please see Appendix C for Consulting Party Correspondence. This documentation will be revised to reflect any substantive comments received.

Efforts to Identify Historic Properties: March 2021-Present

SJCA Inc. initiated an additional investigation for the SR 252 Small Town Pavement Replacement Project by accessing the INDOT-sponsored Historic Bridge Inventory, the Indiana Historic Buildings, Bridges, and Cemeteries Map, showing the results of the Indiana Historic Sites and Structures Inventory (IHSSI), Indiana Register of Historic Sites and Structures (State Register), and the Johnson County Interim Report (1985). SJCA’s QP historian conducted a site visit on October 14, 2021, reviewing the APE for the properties documented in the original HPR (Zeigler, 2018) to ascertain if the previous evaluations still applied and then review those properties that may have come of age since the HPR was completed. The above-ground APE expanded in three locations due to the current need for four relocations at 308 W. Center Cross St., 113 N. Main St., 308 Shelby St., and 401 N. Grant St. These resources were part of the evaluation efforts in the Historic Properties Report (Zeigler, April 2018). None of these resources are listed in or were recommended eligible for the NRHP. On May 25, 2018, SHPO staff concurred to the HPR. See below for photos of the resources:



Photo of 308 W. Center Cross St. (Google Earth image capture, 6/2019)



Photo of 113 N. Main St. (taken by Connie Zeigler 2/2018)



Photo of 308 Shelby St. (Google Earth image capture, 6/2019)



Photo of 401 N. Grant St. (Google Earth image capture, 6/2019)

The QP historian looked at the viewshed from the project alignment in all directions, including the area of proposed construction as well as adjacent properties within the APE. Eight (8) properties were identified. Three (3) properties are of modern construction (less than 50 years old at the time of letting). Five (5) properties are at least 50 years old at the time of project letting (2023). One of these properties (108 N. Main St.; an early example of minimal traditional) has been given a rating of “non-contributing” due to replacement vinyl siding, doors, lack of significance, and an addition in the rear of the home. The four (4) remaining properties have been given a recommended rating of “contributing” and are discussed below: 107 N. Main St.; 109 N. Main St.; 110 N. Main St.; and 111 N. Main St.

**SJCA 1 “contributing”
111 N. Main St.**



Facing east toward 111 N. Main St.

This resource is a one-story house constructed c. 1930. It is a later example of an American Folk-style house built in the gable-front-and-wing family. This newly identified resource has been given a recommended rating of “contributing.” Alterations include replacement vinyl siding, windows, and door, as well as the front porch, which has been updated. The resource does feature the shed-roofed porch within the L made by the two wings found in the American Folk-style.

**SJCA 2 “contributing”
109 N. Main St.**



Facing east toward 109 N. Main St.

This resource is a two-story house constructed c. 1930. It is constructed in the American Foursquare style with a pyramidal roof and gabled dormer. The original full-width front porch has been enclosed. This newly identified resource has been given a rating of “contributing.” Alterations include replacement vinyl siding, windows, and doors, as well as the enclosure of the original front porch.

**SJCA 3 “contributing”
107 N. Main St.**



Facing east toward 107 N. Main St.

This resource is a one-story house constructed c. 1930. It is a later example of an American Folk-style house built in the gable-front-and-wing family. This newly identified resource has been given a recommended rating of “contributing.” This particular resource does feature a front brick façade with an arched brick opening to the gable-roofed porch within the L made by the two wings. Alterations include some replacement clapboard siding, windows, and door. Also, there appears to have been an open front porch that has been enclosed.

**SJCA 4 “contributing”
110 N. Main St.**



Facing west toward 110 N. Main St.

This resource is a two-story house constructed c. 1930. It is an example of an American Folk-style house built in the gable-front-and-wing family. A shed-roofed porch is present on the front of the house and continues around to the L of the house. This newly identified resource has been given a rating of “contributing.” Alterations include replacement vinyl siding, windows, and door. The resource also has modern styled shingles.

Please see Appendix A for a location map for the newly evaluated resources.

As a result of further evaluation efforts, no new historic properties were identified. The historic properties previously recommended eligible for the NRHP are:

- John and Mary Thompson House (referred to in the Indiana Historic Sites and Structure Inventory (IHSSI) as the J.A. Thompson House, IHSSI #081-181-44030, 106 N. Pleasant St.)
- Thompson Dam (IHSSI #081-181-40018)
- Martin Cutsinger Grain Elevator Complex, 101 Shelby St./305 E. Center Cross St.

With regard to archaeological resources, an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards reviewed the previous studies and current proposed project limits. The previous studies did not adequately cover the archaeological APE for the four relocations. SJCA’s QP archaeologist completed a second addendum (Jackson, November 2021) to the Addendum Report (Stanton and Jackson 2019), in which the second addendum documented three previously undocumented sites: 12-Jo-757, 12-Jo-758, and 12-Jo-

759. The sites entailed a 20th century historic scatter and a prehistoric isolated find (12-Jo-757), a mid-19th century to early-20th century historic scatter of two dwellings in one parcel (12-Jo-758), and a 20th century historic scatter (12-Jo-759). It is recommended that none of these archaeological sites are eligible for the NRHP under Criterion D, and no further work is recommended on these archaeological sites. Please see Appendix D for a report summary of the second addendum report.

3. DESCRIBE AFFECTED HISTORIC PROPERTIES

As a result of identification and evaluation efforts in 2018 and 2021 for this project, three properties were listed or found eligible for inclusion in the NRHP: John and Mary Thompson House (IHSSI #081-181-44030), Thompson Dam (IHSSI #0-81-181-40018), and Martin Cutsinger Grain Elevator Complex (assigned #081-181-G13). No other properties have been determined eligible.

John and Mary Thompson House (referred to in the Indiana Historic Sites and Structures Inventory (IHSSI) as the J. A. Thompson House, IHSSI #081-181-44030, 106 N. Pleasant Street), is an Italian Villa-style house built c. 1865. A barn, gazebo, and stone walls are also associated with the property. A remarkable example of the Italian Villa architectural style, the home was first owned by John Alexander Thompson, nephew of the Town of Edinburgh's proprietor. Thompson, local miller and owner of Thompson's Mill by 1870, purchased the land on which the home was built in 1867. By 1874, Thompson had become an influential banker. The home's style was popularized by architect Alexander Jackson Davis in the 1840s and served to showcase Thompson's wealth and influence. The Thompson family hosted two Indiana governors in the home as well as President Benjamin Harrison before Thompson's death in 1886. It is recommended eligible for listing in the National Register of Historic Places (NRHP) under Criterion B for its association with John Alexander Thompson, a significant businessman in Edinburgh and Indiana writ large, and under Criterion C for its embodiment of significant characteristics of the Italian Villa architectural style.

Thompson Dam (IHSSI #081-181-40018) is a stacked and mortared limestone low head dam configured in a slight arc across the Big Blue River. The dam is what is colloquially referred to as a "run-of-river" dam, since the dam spanned the entirety of the river. Dams of this style were commonly constructed in the nineteenth century to power grist mills. Construction began in 1884 and was one of the first stone dams in the Midwest. It is recommended eligible for listing in the NRHP under Criterion C since the dam, a significant feat of engineering when constructed in 1884, is still intact.

Martin Cutsinger Grain Elevator Complex, 101 Shelby St./305 E. Center Cross St. (not previously surveyed, assigned #081-181-G13), was constructed in 1915 by Martin Cutsinger, a businessman in the town of Edinburgh, to replace a former wooden elevator. The complex possesses four gigantic four-story grain silos and a five-story headhouse. Cutsinger was the director and vice president of the Thompson State Bank (opened by the aforementioned John A. Thompson). He grew quite wealthy thanks to his grain business, made possible by this grain elevator complex, and lived in an Italianate-style mansion at 304 East Main Cross Street (a part of the NRHP-listed Toner Historic District). The Martin Cutsinger Grain Elevator Complex is recommended eligible for listing in the NRHP under Criterion A for its significance in the

development of commerce in Edinburgh and under Criterion C for the significance of its architecture.

4. DESCRIBE THE UNDERTAKING'S EFFECT ON HISTORIC PROPERTIES

John and Mary Thompson House, 106 N. Pleasant Street – INDOT, on behalf of FHWA, signed a finding of “No Adverse Effect” in 2021. The project will require an anticipated 6,629 square feet of permanent right-of-way and 2,345 square feet of temporary right-of-way from the John and Mary Thompson House for the road reconstruction of SR 252, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and installing new sidewalks on the south side of SR 252 from Eisenhower St. to Pleasant St. A mature tree along the edge of the property may be affected, but it does not date to the period of significance of the house, which ended in 1886 upon the death of John A. Thompson. The project will be visible from the house, which is sited on a substantial rise that slopes down for some distance before it reaches the road where the project will take place. A stone wall extending along part of the northern property will be avoided. A project commitment will be made to avoid the wall and the plan sheets as found in Appendix E have labeled the wall in its entirety and called out “Do not disturb.”

The finding of “No Adverse Effect” remains appropriate for the John and Mary Thompson House.

Thompson Dam, Big Blue River, West edge of Edinburgh – INDOT, on behalf of FHWA, signed a finding of “No Adverse Effect” in 2021. The Thompson Dam is upriver of the project and no right-of-way is required; nor will there be a significant change in viewshed because the bridge near the dam is excluded from the project. No work will take place near the dam. The dam is more than 100 feet away from the project at the closest area, near the southeast corner of the dam.

The finding of “No Adverse Effect” remains appropriate for the Thompson Dam.

Martin Cutsinger Grain Elevator Complex, 101 Shelby St./305 E. Center Cross St. – INDOT, on behalf of FHWA, signed a finding of “No Adverse Effect” in 2021. The project will require 510 square feet of permanent right-of-way and 357 square feet of temporary right-of-way from the office building property for the road reconstruction of SR 252, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and upgrading existing sidewalks. It will not remove any historic features of the property, such as the weighing scale near the right-of-way will be left in place and avoided by the project. Since it is anticipated that no right-of-way acquisition will be taken from the grain elevator, it is expected to have an impact of an insignificant change in the viewshed.

The finding of “No Adverse Effect” remains appropriate for the Martin Cutsinger Grain Elevator Complex.

5. EXPLAIN APPLICATION OF CRITERIA OF ADVERSE EFFECT – INCLUDE CONDITIONS OR FUTURE ACTIONS TO AVOID, MINIMIZE OR MITIGATE ADVERSE EFFECTS

According to 36 CFR 800.5(a)(1), “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.”

John and Mary Thompson House – The project will have “No Adverse Effect” on the resource.

Per 26 CFR 800.5(a)(2)(i), “Physical destruction of or damage to all or part of the property” will not occur. While 6,629 square feet of permanent right-of-way and 2,345 square feet of temporary right-of-way will be required from this resource for the road reconstruction of SR 252, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and installing new sidewalks on the south side of SR 252, no historic elements of the property will be removed or damaged. A stone wall extending along part of the northern property will be avoided. A project commitment will be made to avoid the wall and is called out “Do not disturb” on the plan sheets.

Per 36 CFR 800.5(a)(2)(ii), “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines” will not occur. While right-of-way will be acquired for the road reconstruction of SR 252, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and installing new sidewalks on the south side of the roadway, this construction will not result in alterations to historic elements of the property.

Per 36 CFR 800.5(a)(2)(iii), “Removal of the property from its historic location” will not occur. The project will not remove the property from its historic location.

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use of or physical features within the property’s setting that contribute to its historic significance” will not occur. A stone wall extending along part of the northern property will be avoided and not directly impacted by the project. Project elements, including the acquisition of right-of-way along SR 252 for the road reconstruction, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and installing new sidewalks on the south side of the roadway will not change any features that contribute to its historic significance or change the property’s use. “Aside from the stone wall on the north border of the property where it is adjacent to SR 252, all other historic elements are fairly distant from the project area at the top of a significant rise from the location of the road.”

Per 36 CFR 800.5(a)(2)(v), the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features” will not occur. The project will acquire right-of-way along SR 252 for the road reconstruction, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and installing new

sidewalks on the south side of the roadway. While the stone wall extends along part of the northern property, it will be avoided by the project. While the introduction of these project elements affect the setting of the resource, it will not diminish the integrity of the resource's significant historic features. Further, the property sits on a large lot and is located in a small-town urban setting. Additionally, contributing features are set on a hill far away from the project area and will not be affected by the project work.

Per 36 CFR 800.5(a)2(vi), "Neglect of a property which causes its deterioration..." will not occur as a result of this project. The undertaking will not cause neglect of the property.

Per 36 CFR 800.5(a)2(vii), the "Transfer, lease, or sale of property out of Federal ownership or control..." will not occur. Ownership of the historic property will not change as a result of this project.

Thompson Dam – The project will have "No Adverse Effect" on the resource. The project will not acquire right-of-way from the property.

Per 800.5(a)(2)(i), "Physical destruction of or damage to all or part of the property;" will not occur.

Per 36 CFR 800.5(a)2(ii), "Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties and/or other applicable guidelines" will not occur.

Per 36 CFR 800.5(a)2(iii), "Removal of the property from its historic location" will not occur. The project will not remove the property from its historic location.

Per 36 CFR 800.5(a)2(iv), "Change of the character of the property's use of or physical features within the property's setting that contribute to its historic significance" will not occur. The road project is not immediately adjacent to the dam (more than 100 feet distant at the closest proximity) and will not change any physical features within the dam's setting that contribute to its significance.

Per 36 CFR 800.5(a)2(v), the "Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features" will not occur. The project will be visible, but SR 252 is already visible from the dam. Further, the resource that is nearest to the dam, a bridge, is excluded from the project.

Per 36 CFR 800.5(a)2(vi), "Neglect of a property which causes its deterioration..." will not occur as a result of this project. The undertaking will not cause neglect of the property.

Per 36 CFR 800.5(a)2(vii), the "Transfer, lease, or sale of property out of Federal ownership or control..." will not occur. Ownership of the property will not change as a result of this project.

Martin Cutsinger Grain Elevator Complex – The project will have “No Adverse Effect” on the resource.

Per 800.5(a)(2)(i), “Physical destruction of or damage to all or part of the property” will not occur. While the project will require 510 square feet of permanent right-of-way and 357 square feet of temporary right-of-way from the office building property for the road reconstruction of SR 252, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and upgrading existing sidewalks, it will not remove any historic features of the property, such as the weighing scale near the right-of-way will be left in place and avoided by the project. Since it is anticipated that no right-of-way acquisition will be taken from the grain elevator, it is expected to have an impact of an insignificant change in the viewshed.

Per 36 CFR 800.5(a)(2)(ii), “Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties and/or other applicable guidelines” will not occur. While right-of-way will be acquired for the road reconstruction of SR 252, repairing or replacing existing stormwater facilities, installing new curb and gutter for ADA compliance, and upgrading existing sidewalks, this construction will not result in alterations to historic elements of the property.

Per 36 CFR 800.5(a)(2)(iii), “Removal of the property from its historic location” will not occur.

Per 36 CFR 800.5(a)(2)(iv), “Change of the character of the property’s use of or physical features within the property’s setting that contribute to its historic significance” will not occur. Project elements, including the acquisition of right-of-way along SR 252 for the road reconstruction, repairing or replacing existing stormwater facilities, installing new curb and gutter for ADA compliance, and replacing existing modern sidewalks, will not change any features that contribute to its historic significance or the property’s use.

Per 36 CFR 800.5(a)(2)(v), the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features.” The project will acquire right-of-way along SR 252 for the road reconstruction, repairing or replacing stormwater facilities, installing new curb and gutter for ADA compliance, and replacing existing modern sidewalks. The introduction of these project elements will not diminish the integrity of the resource’s significant historic features since the project elements are repairing or replacing modern elements adjacent to the historic resource.

Per 36 CFR 800.5(a)(2)(vi), “Neglect of a property which causes its deterioration...” will not occur as a result of this project. The undertaking will not cause neglect of the property.

Per 36 CFR 800.5(a)(2)(vii), the “Transfer, lease, or sale of property out of Federal ownership or control...” will not occur. Ownership of the property will not change as a result of this project.

6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

Please refer to the *Efforts to Identify Historic Properties and Consulting Party Correspondence* in Section 2 for a summary of consulting parties and public views.

APPENDICES

A – Original Maps and Updated Maps

B – Original Report Photographs and Addendum Photographs

C – Consulting Party Correspondence

D – Historic Property Report, Archaeology Short Report, and Addendum Archaeology Short Report Summaries

E – Excerpts from Current Plans