

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT

For

Indiana Project
Des. Number 1900096 et al
US Highway 31 (US 31) Limited Access Corridor between State Road (SR) 28 and
286th St
Hamilton County, Indiana

The approved Environmental Assessment (EA) was released for public involvement by the Federal Highway Administration (FHWA) on August 16, 2021. The public comment period was from September 14, 2021 to October 14, 2021, and an in-person public hearing was held on September 28, 2021. Thirty-six members of the public attended the meeting. Comments were received from five (5) members of the public and three (3) agencies (US Environmental Protection Agency, US Department of Interior and Indiana Department of Natural Resources, Division of Fish and Wildlife). These comments provided no new substantive information requiring additional analysis.

The Indiana Department of Transportation (INDOT) proposes to limit access to US 31 from SR 38 to 286th Street in Hamilton County, Indiana. The project will reduce the overall number of vehicular crashes along US 31 while maintaining access to US 31 and cross community connectivity at select locations.

The project extends along US 31 from the US 31 and SR 38 interchange to the 286th St intersection in Adams and Jackson Townships, Hamilton County, Indiana.

The Selected Alternative includes actions that will limit access to US 31. Below is a summary of the scope of the project, but a full project description is identified as the “Preferred Alternative” in the Environmental Assessment Document:

- Removal of access to US 31 at 216th St, 246th St, 256th St, and 281st St and each of these roadways will end in cul de sacs on either side of US 31
- Construction of an overpass over US 31 at 226th St
- Construction of an overpass over US 31 at 266th St
- Construction of an interchange at US 31 and 276th St
- Removal of direct access industrial, residential, and commercial drives onto US 31
- Removal of dedicated turn lanes on US 31
- Installation of cable barrier systems in the median of US 31 throughout the length of the project
- Cross-section of US 31 will remain a four-lane divided, Rural Principal Arterial roadway consisting of two 12-foot wide through lanes in each direction (northbound (NB) and southbound (SB)) with 10-foot paved shoulders adjacent to the outside lanes and 4-foot paved shoulders adjacent to the inside lane

After the EA was released for the public hearing, there were minor changes to the scope. It was determined that access to several parcels associated with Des No. 1901797 could be provided via an adjacent parcel. Therefore, the right-of-way amounts for the project reduced from the 390.39 acres of permanent and 16.16 acres of temporary right-of-way to 271.79 acres of permanent and 16.13 acres of temporary right-of-way. The right-of-way acquisitions are mostly from agricultural, commercial, and residential properties with minor amounts from forested land and wetlands. A total of 24 properties will require full acquisition, including 19 residences and 5 commercial business.

There will be four (4) streams with a total of 1,015 linear feet permanently impacted by the project, and a total of 0.349 acres of wetlands will be impacted. The project has been designed to minimize stream and wetland impacts where possible within the project area. Stream and wetland impacts will be mitigated through the waterway permitting process in compliance with federal and state regulations.

Terrestrial habitats impacted by the project include approximately 56.75 acres consists of farmland/grassland and approximately 8.06 acres of mowed roadside, commercial and residential lawn areas. A total of 5.54 acres of trees will be removed for the project.

The project is within range of the federally endangered Indiana bat and the federally threatened Northern long-eared bat (NLEB). The project effect finding for these species is “Not Likely to Adversely Affect”. On June 9, 2021, USFWS concurred and agreed on site-specific Avoidance and Mitigation Measures.

There are eight properties that are listed on or eligible for listing on the National Register of Historic Places within the area of potential effect for the project. There will be no adverse effect to the four above-ground; and it is anticipated the four archaeological sites will be avoided. However, the State Historic Preservation Officer concurred with the “adverse effect” finding for the project on April 26, 2021 for potential impacts to four archaeological sites. A memorandum of agreement was approved on May 18, 2021 which will be used to mitigate adverse effects to the archaeological sites if they cannot be avoided. Because the sites are anticipated to be avoided, it was determined there would be no use of these Section 4(f) resources as a result of the project. There are no other types of Section 4(f) resource within or adjacent to the project area; therefore, there will be no Section 4(f) resource impacts caused by the project.

This project is located in Hamilton County, which is currently a maintenance area for Ozone (1997 Standard). The project’s design concept and scope are accurately reflected in both the Indianapolis Metropolitan Planning Organization’s 2045 Long Range Transportation Plan and Transportation Improvement Plan, and both conform to the State Implementation Plan. Therefore, the conformity requirements of 40 CFR 93 have been met.

This project is considered a Type 1 project in terms of analyzing traffic noise impacts. Therefore, in accordance with 23 CFR 772 and the INDOT Traffic Noise Analysis Procedures (2017), this action required a formal noise analysis. Based on the studies completed, 18 impacted receptors will have noise impacts. However, according to the 2017 INDOT noise procedures, noise abatement is not reasonable. Therefore, the project will not include noise abatement.

It was determined that the impacts associated with this project will not have a disproportionately high and adverse effect on minority and/or low-income populations of Environmental Justice (EJ) concern relative to non EJ populations in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23a.

There are 20 commitments listed as firm commitments and 21 included for further consideration.

The FHWA has determined that this project, as identified in the Environmental Assessment and supplemental project information, will have no significant impact on the natural and human environment. This Finding of No Significant Impact (FONSI) is based on the environmental assessment, public hearing transcript, public and agency comments received. They have been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the project. These documents provide sufficient evidence and analysis for determining that significant impacts will not occur and an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of these documents.

March 18, 2021

MICHELL
E B ALLEN Digitally signed by
MICHELLE B ALLEN
Date: 2022.03.18
07:47:12 -04'00'

Date

for: Jermaine R. Hannon
Division Administrator

March 17, 2022

Mr. Ron Bales
Manager, Environmental Policy Section
Indiana Department of Transportation
Environmental Services Division
100 North Senate Avenue, Room IGCN N758-ES
Indianapolis, IN 46204

RE: **Finding of No Significant Impact (FONSI) Request Packet**
US Highway 31 (US 31) Limited Access Corridor Study between SR (SR) 38 and 286th
Street (Des. No. 1900096 et al); Hamilton County, Indiana

Dear Mr. Bales:

Pursuant to 40 CFR, Part 1500.4(q), and paragraph 5 of the Department of Transportation (DOT) Order 5610.1C implementing the National Environmental Policy Act (NEPA) of 1969, BF&S is requesting review of the enclosed Finding of No Significant Impact (FONSI) packet for the above referenced project. This information packet includes the following documentation:

- Attachment A – Approved Environmental Assessment (Text Only)
- Attachment B – Public Involvement Documentation
- Attachment C – Resource Agency Correspondence
- Attachment D – Section 106 Documentation
- Attachment E – Environmental Commitments

Public Involvement:

The approved Environmental Assessment (EA) was released for public involvement by the Federal Highway Administration (FHWA) on August 16, 2021 (Attachment A1). The public comment period was from September 14, 2021, to October 14, 2021.

During the public comment period, a public hearing was held. The hearing was advertised in *The Times of Noblesville* and the *Hamilton County Reporter* along with those newspapers' websites (Attachments B1 – B4). Copies of the public notice were mailed to the property owners along US 31 and emailed to the members of the Community Advisory Committee and to the regulatory agencies. It was also advertised through the INDOT social media accounts. Copies of the handouts, exhibits, and the presentation are provided in Attachment B. All materials from the meeting were posted to the project website: [INDOT: Major Projects: US 31 Limited Access Upgrade from SR 38 to 286th Street](#).

The public hearing was held at the Remnant Coffee Shop in downtown Arcadia, Indiana on September 28, 2021. A total of approximately 36 people attended the hearing. A total of five (5) different people provided verbal comments at the public hearing. No other verbal or written comments were received during the public involvement period. A comment/response document was generated and is included in Attachments B68 – B70. Comments were focused on the following topics:

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- Question regarding the funding year and the actual year something will happen
- Question regarding when INDOT will begin negotiating with property owners and if buildings will be demolished
- Question regarding the businesses along US 31 and will their access be removed
- Question as to whether the new overpasses/interchanges will be capable of handling farm equipment
- Question if other infrastructure will be improved along with intersections such as fiber optics for improved internet
- Concern raised on the potential for lack of access for emergency services
- Curious if property owners can keep any parts of the buildings that will be demolished, such as old barn wood

All public hearing documents including comments and responses to comments are included in Attachment B. The Indiana Department of Transportation (INDOT) provided certification of public involvement on October 22, 2021 (Attachment A1).

Resource Agency Coordination:

On September 17, 2021, resource agencies were contacted with a copy of the Public Notice and information about the public hearing, comment period and how to access the EA. Three responses were received. The U.S. Fish and Wildlife Service (USFWS) Bloomington Field Office provided a letter dated September 22, 2021 (Attachments C3 - C5), the U.S. Environmental Protection Agency (USEPA) provided comments in a letter dated October 13, 2021 (Attachments C6 - C10), and the Indiana Department of Natural Resources, Division of Fish and Wildlife (IDNR-DFW) provided a letter dated October 18, 2021 (Attachments C11 - C14). No other responses were received.

The USFWS letter dated September 22, 2021, mentions two (2) occurrences within the EA where the recommended tree removal dates should be changed from, "between November 15 and March 30" to "between October 1 through March 30". They further mention that their office had provided early coordination comments for this project on June 9, 2021, including concurrence of a "Not Likely to Adversely Affect" determination for the Indiana bat and northern long-eared bat. In addition, they strongly encourage INDOT to consider preservation and reforestation of adjacent and nearby habitat, particularly along perennial streams.

Responses to the USFWS comments can be found on Attachment C15. The following applicable updates and additions related to USFWS recommendations were applied to the Environmental Commitments in Attachment E.

- Tree Removal AMM 2: Apply time of year (TOY) restrictions for tree removal when bats are not likely to be present (October 1 – March 30), or limit tree removal to 10 or fewer trees per project at any TOY within 100 feet of existing road/rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.
- Revegetate all disturbed soil areas immediately upon project completion using native trees and shrubs in the riparian zone wherever feasible. We recommend reforestation occur along all impacted riparian areas, extending at least 50 feet (preferably 100 feet) perpendicular from the streambank.
- Use best methods to contain soil and sediment runoff during construction. Use silt curtains

or other devices at the downstream end of the project to contain bottom sediment in the newly excavated channel and to prevent it from adding to the downstream sediment load. Maintain such devices by removal of accumulated sediment.

On October 13, 2021 the United States Environmental Protection Agency (USEPA) responded with a letter that provided several recommendations, summarized below.

- Undertake voluntary tree mitigation for tree losses not covered under the IDNR Construction in a Floodway permit.
- Disclose the number of EJ residential relocations and identify and discuss additional mitigation measures, if applicable.
- Discuss the feasibility of incorporating a shared-use path on preferred alternative overpasses and/or the 276th Street interchange to allow for safe crossing of the highway by pedestrians and cyclists.
- Discuss the sustainability of the project and identify the measures that will be taken during design, construction, and operation to adequately handle extreme precipitation events.
- Identify a firm commitment to evaluate and incorporate suitable wildlife crossings into bridge and culvert designs.
- Consider strategies to protect air quality for people who live, work, and/or play near the project area during construction, such as reducing diesel emissions, use equipment with clean diesel engines, and limit the length of time equipment idle when not in use.
- Identify measures that will be taken to control the introduction and spreading of invasive species during and after project construction. Restoration and roadside plantings should include native pollinator friendly species.

Responses to the USEPA comments can be found in Attachments C15 - C16. Applicable USEPA recommendations were added to the Environmental Commitments in Attachment E.

The IDNR-DFW letter, dated October 18, 2021, did not provide any new information pertaining to natural resources; however, they did provide several modified recommendations, summarized below, to those provided previously.

- Bridges are recommended over culverts, and three-sided culverts are recommended over box or pipe culverts. If encapsulations are used, they must be sumped. Sumping is not required for three-sided boxes or bridges. Crossing must maintain the natural substrate within the structure.
- A new/replaced/rehabilitated structure, and any associated bank stabilization must not create conditions that are less favorable for wildlife passage when compared to existing conditions. White-tailed deer passage must be incorporated into all new structures where no structures previously existed.
- Some form of bank stabilization is almost always needed with work associated with crossings. Establishing native vegetation along the streambanks is typically the most effective technique for shallow slopes. Combining vegetation with bio-engineered bank stabilization is preferred for slopes steeper than 2:1.
- Riprap or other hard armor should only be used at the toe of the side slopes up to the ordinary high-water mark (OHWM) except for areas directly beneath bridges. Banks above

the OHWM should be restored using native vegetation when possible.

- Mitigation plans should be developed for any unavoidable impacts to habitat and included with any permit application(s). Impacts to non-forest of 1.0 acre or more should be mitigated at a minimum of 2:1 ratio based on area and impacts below 1.0 acre should be mitigated at a 1:1 ratio based on area.
- Due to the presence or potential presence of wetland habitat on site, IDNR recommends coordinating with the Indiana Department of Environmental Management 401 Program and the US Army Corps of Engineers 404 Program.
- The commitments in the EA included Items 7 and 8 that reference temporary and new or replacement lighting along the US 31 corridor. IDNR provided guidance on the proper selection and use of highway lighting in early coordination. More specifically, designers and municipalities are moving toward LED lighting. Certain types of LED lighting can have a negative effect on both human and wildlife health and safety. They recommend visiting the website www.darksky.org to learn more about the potential negative impacts of improperly selected LED lighting systems.

The remaining standard commitments the IDNR-DFW provided are included in the EA document.

Responses to the modified IDNR-DFW recommendations can be found in Attachments C17 - C18. Applicable modifications to IDNR-DFW recommendations were added to the Environmental Commitments in Attachment E.

Section 106 Consultation:

The Federal Highway Administration (FHWA) signed a determination of "Adverse Effect" for the project on March 29, 2021 (Attachment D3). The Indiana State Historic Preservation Officer (SHPO) concurred with this finding on April 26, 2021 (Attachments D17-D18). The Memorandum of Agreement (MOA) for the project was approved by INDOT ESD on May 4, 2021, the SHPO on May 13, 2021 and the FHWA on May 18, 2021 (Attachments D20 – D30). No additional comments regarding cultural resources were received during the EA's public involvement process.

Project Modifications:

Following the release of the EA for public involvement, the USFWS provided comments pertaining to active bat season clearing in their letter dated September 22, 2021. They stated that they had provided improper dates in their earlier letter. The actual dates should be October 1 through March 30. These dates have been updated in the Environmental Commitments document located in Attachment D. No change to the original determination that the project is not likely to adversely affect the Indiana bat or the northern long-eared bat was made by the USFWS. The correspondence from the USFWS can be found in Attachment C1. Modified recommendations provided by the IDNR, and comments received from the USEPA were considered and responses provided. Where necessary, the Project Commitments were updated to include their comments.

Minor changes to the design of the 276th Interchange portion of the project have also occurred since the release of the EA for public involvement. The EA states that work under Des. 1901797 will result in 152.10 acres of permanent right-of-way and 3.13 acres of temporary right-of-way acquisition. Since that time, it has been determined some total parcel acquisitions will not be

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required because access can be provided via an adjacent parcel. The current amount of right-of-way acquisition is now 33.5 acres of permanent right-of-way and 3.1 acres of temporary right-of-way. There are no changes to the residential/commercial relocations associated with this project. The following is taken from the EA, and at this time, has not changed.

Number of relocations: Residences: 19 Businesses: 5 Farms: 0 Other: 0

In addition, stream and wetland impacts have changed slightly since the publication of the EA. The EA included 113 feet of permanent impact to Little Cicero Creek and 52 feet of permanent impact to UNT 1 of Little Cicero Creek for a total of 165 feet of stream impacts. No temporary impacts were included in the EA. During permitting, it was determined there will be 57 feet of permanent impact to Little Cicero Creek and 125 feet of permanent impact to UNT 1 Little Cicero Creek, for a total of 182 linear feet of permanent stream impacts. During permitting it was also determined there will be 261 feet of temporary impacts to Little Cicero Creek and 135 feet of temporary impacts to UNT 1 Little Cicero Creek, for a total of 396 linear feet of temporary stream impacts. In addition, wetland impacts also changed since the publication of the EA. The EA included 0.03 acre of impact to Wetland NAE. During permit application review, it was determined that there will be 0.1 acre of impact to Wetland NAE. The total impacts to wetlands for this portion of the project was 0.147 acre and the new total included in the permits is 0.227 acre. It was also determined all wetlands are Class 1 isolated wetlands and as of July 1, 2021, IDEM no longer requires a permit for impacts to these wetlands. Total impacts to streams and wetlands are summarized in the following tables:

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted Linear Feet (Permanent)	Des. No.
Lindley Ditch	Intermittent	715	0	1900096
Raymond Briles Drain	Ephemeral	839	0	1900096
UNT to Jones Ditch	Ephemeral	1,058	533	1900096
Bennett Ditch	Intermittent	1,886	300	2002313
UNT to Bennett Ditch	Ephemeral	702	0	2002313
Little Cicero Creek	Perennial	2,428	57 (was 113)	1701797
UNT1 Little Cicero Creek	Intermittent	2,100	125 (was 52)	1701797
UNT2 Little Cicero Creek	Intermittent	434	0	1701797
TOTAL	1,015 linear feet (was 998 linear feet)			

Des. No. 1900096

Two (2) wetlands will require right-of-way taken from them for this segment of the project. Both are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
NAZ, exempt	0.091	710	710
NBB, exempt	0.190	2,379	2,379
TOTAL	0.281	3,089 (0.071 acre)	3,089 (0.071 acre)

Des. No. 1900097

Four (4) wetlands will be impacted by this segment of the project. MD, ME, and MF are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
SBL, emergent	4.610	500	500
MF, exempt	0.023	7	0
ME, exempt	0.016	7	0
MD, exempt	0.110	135	0
TOTAL	4.759	649 (0.015 acre)	500 (0.011 acre)

Des. No. 1901797

Seven (7) wetlands will require right-of-way taken from them for this segment of the project. All seven are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
B, exempt	0.033	1,438	1,438
D, exempt	0.034	1,482	1,482
E, exempt	0.010	436	436
F, exempt	0.023	1002	1,002
NAA, exempt	0.020	872	872
NAE, exempt	0.100	4,356 (was 872)	4,356 (was 872)
NAG, exempt	0.007	305	305
TOTAL	0.227	9,891 (0.227 acre) was 6,407 (0.147 acre)	9,891 (0.227 acre) was 6,407 (0.147 acre)

Des. No. 2002313

Five (5) wetlands will have right-of-way taken from them for this segment of the project. NAI and NAM are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
SAZ, emergent/forested	2.83	160	100
SBA, emergent/forested	1.54	850	530
NAM, exempt	0.24	250	250
SAV, emergent	0.67	325	70
NAI, exempt	0.25	0	1820
TOTAL	5.53	1,585 (0.036 acre)	2,770 (0.064 acre)

No changes to tree clearing or terrestrial habitats from those previously listed in the EA will occur from the changes to Des No 1901797. Further, no impacts to historic properties will occur from the changes to Des No 1901797. One eligible archaeological site is located near the project area. The site is still outside of the construction limits for the project and will not be impacted.

Programming Update:

All contracts for this project are accurately reflected in the 2020-2024 State Transportation Improvement Plan (STIP) as well as the Indianapolis Metropolitan Planning Organization's (IndyMPO) Transportation Improvement Plan (TIP). The IndyMPO Metropolitan Transportation

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Plan (MTP) update to include all contracts in the project was approved on February 16th, 2022 and the subsequent Conformity Finding was issued on March 17th, 2022.

Environmental Commitments:

As discussed in the Resource Agency Coordination section and the Project Modifications section, several Environmental Commitments for this project were updated or added to because of agency comments on the EA. The updated Environmental Commitments include 20 commitments listed as "firm" and 21 commitments listed as "For Further Consideration" (Attachment E).

Upon the satisfactory completion of your review of the FONSI request information packet, we would request that you forward the attached information to the FHWA with the request that they prepare the necessary FONSI for this project in order to complete the NEPA process. If you have any questions regarding this matter, please feel free to contact me at (317) 713-4615 or at nbennett@bfsengr.com. Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Langille', written in a cursive style.

Andrea Langille, PE
Butler, Fairman and Seufert, Inc.

Attachments:

ATTACHMENTS
US 31 Limited Access Project
Hamilton County, Indiana
Des. Nos. 1900096 et. al.

Attachment A: Approved Environmental Assessment (Text Only)
A-1 through A-59 Environmental Assessment

Attachment B: Public Involvement Documentation
B-1 through B-4 Legal Notices
B-5 through B-9 Public Hearing Sign-in Sheets
B-10 Speakers Schedule
B-11 through B-17 Public Hearing Information Packet
B-18 through B-46 Public Hearing Presentation
B-47 through B-53 Public Hearing Presentation Script
B-54 through B-67 Public Hearing Transcript
B-68 through B-70 Public Hearing Comments/Responses

Attachment C: Resource Agency Correspondence
C-1 through C-2 Email Submittal of Draft EA to Resource Agencies
C-3 through C-5 USFWS response letter
C-6 through C-10 USEPA response letter
C-11 through C-14 IDNR response letter
C-15 through C-18 Agency Comments and Responses to Comments Document

Attachment D: Section 106
D-1 through D-16 "Adverse Effect" Finding Documentation
D-17 through D-19 SHPO Concurrence of Finding Letter
D-20 through D-30 Memorandum of Understanding

Attachment E: Project Commitments
E-1 through E-3 Environmental Commitments

ATTACHMENT A

Approved Environmental Assessment Text

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

Road No./County:

United States Highway (US) 31 / Hamilton County

Designation Number(s):

Lead Des. No. 1900096; Additional Des. Nos. 1900097, 1901797, 1901798, 1700934, 1700935, 2002949, 2002954, 2002313

**Project
Description/Termini:**

The conversion of US 31 to Limited Access, including treatments to all intersections, from State Road (SR) 38 to 286th Street.

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

Release for Public Involvement



Date: 2021.08.16

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INDOT ESD Signature and Date

ROBERT E DIRKS

Digitally signed by ROBERT E

DIRKS

Date: 2021.08.17 16:48:41 -04'00'

FHWA Indiana Division Signature and Date

Certification of Public Involvement

Jeffrey B. Clanton

Digitally signed by Jeffrey B.
Clanton

Date: 2021.10.22 12:28:10 -04'00'

INDOT Major Projects Delivery Director

Signature and Date

INDOT DE/ESD Reviewer Signature and Date:

Brandon Miller

Digitally signed by Brandon Miller

Date: 2021.08.16 14:29:49 -04'00'

Name and Organization of CE/EA Preparer:

Neal Bennett / Butler, Fairman, & Seufert, Inc.

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

Indiana Department of Transportation

County Hamilton

Route US 31

Des. No. 1900096, et. al

Part I – Public Involvement

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

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

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

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

The US 31 Limited Access Project has included several public involvement efforts. These efforts included Notice of Entry letters, a project website, public information meetings/open houses, Consulting Parties meetings, and Community Advisory Committee (CAC) meetings. Upon release of the Environmental Assessment (EA) for public involvement, a public hearing will be held as described below. Public involvement activities to date are summarized below and included in a table in Appendix G, page 1.

Notice of Entry Letters

Notice of Entry letters were mailed to potentially affected property owners near the project area on September 26, 2019, March 1, 2020, July 7, 2020, July 24, 2020, and October 29, 2020, notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. Sample copies of the Notice of Entry letters are included in Appendix G, pages 2 – 7b.

Project Website

The Indiana Department of Transportation (INDOT) website for the US 31 project is [INDOT: U.S. 31 Limited Access Upgrade from S.R. 38 to 286th Street](#). The website includes project updates, public meeting presentations, frequently asked questions, and project documents.

Public Information Meetings / Open Houses

Two (2) public information meetings / open houses were held as part of the project development process. These meetings were broadly advertised to provide an opportunity for all interested parties to participate in the process. The meetings are described below:

Public Information Meeting #1 (September 1, 2020) – Two (2) opportunities to view a pre-recorded formal presentation were provided to attendees. Project team members were stationed by plans and other project displays to explain the project and answer questions from the public. Approximately 70 people attended Public Information Meeting #1. The pre-recorded formal presentation was posted to the project website on September 1, 2020, for those that were unable to attend in-person. A link to the project website was provided in the public notice for Public Information Meeting #1. The public notice was mailed to all property owners along the project on July 27, 2020, and published in the *Tipton County Tribune* and *The Times* (newspaper serving Noblesville) on August 18, 2020 (Appendix G, pages 53 – 56). Comments provided by the public influenced the INDOT's decision-making process with regards to intersection treatments at the various cross street locations along the project area (Appendix G, pages 81 – 98).

Public Information Meeting #2 (April 21, 2021) – Four (4) rounds of a pre-recorded formal presentation were shown to attendees. Project team members were stationed by plans and other project displays to explain the project and answer questions from the public. Approximately 75 people attended Public Information Meeting #2. The pre-recorded formal presentation was posted to the project website on April 21, 2021, for those that were unable to attend in-person. A link to the project website was provided in the public notice for Public Information Meeting #2. The public notice was mailed to all property owners along the project on April 6, 2021, and published in *The Times* (newspaper of Noblesville) on April 7, 2021, and the *Hamilton County Reporter* on April 12, 2021 (Appendix G, pages 129 – 132). Comments and questions expressed by the public centered mainly around the reduction in project scope to only include Hamilton County from SR 38 to 286th Street, right-of-way acquisition and relocation process, and the proposed 276th Street interchange (Appendix G, pages 154 – 157). A discussion pertaining to the reduction in project scope can be found in the Preferred Alternative Section later in this document.

CAC Meetings

The Hamilton County and Tipton County CACs were formed to serve as sounding boards for study information and decision-making, to facilitate collaborative problem solving and discussion of specific issues, and to serve as a link to their communities by sharing project information. The 24 members of the Hamilton County CAC and 25 members of the Tipton County CAC represent various

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Version: April 2021

Indiana Department of Transportation

County Hamilton

Route US 31

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branches of government, emergency services, schools, and business employers (Appendix G, pages 8 – 10 and 30 – 32). To date, four (4) meetings (two (2) each for Hamilton County CAC and Tipton County CAC) have been held in which the CACs provided meaningful input related to public involvement efforts, intersection alternatives, impacts to emergency service response timing, impacts to transportation for local schools, and traffic impacts during construction (Appendix G, pages 24 - 29, 45 - 50, 110 - 112, and 124 - 126). The first Hamilton County and Tipton County CAC Meetings occurred separately on July 10, 2020, and the second Hamilton County and Tipton County CAC Meetings occurred separately on April 15, 2021.

Section 106

Section 106 regulations text in 36 CFR 800 outlines a process that requires the Federal Highway Administration (FHWA) and INDOT to evaluate the effects of undertakings on properties that are listed on or eligible for listing on the National Register of Historic Places (NRHP). Consulting parties are invited to participate in the Section 106 process. A consulting party is an individual or organization with a demonstrated legal, economic, or historic preservation interest in an undertaking. There are currently nine (9) consulting parties for the US 31 Limited Access Project. To date, one (1) Section 106 consulting party meeting has been held (Appendix D, pages 76-80).

To meet the public involvement requirements of Section 106, a legal notice of FHWA's finding of Adverse Effect was published in the *Times* (serving Hamilton County) on April 21, 2021, offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later, on May 21, 2021. The text of the public notice and the affidavit for publication appear in Appendix D, page 111. No comments from the public were received.

Public Hearing

The project is being processed as an EA. Per the current *INDOT Project Development Public Involvement Procedures Manual* the project is required to hold a public hearing. Upon release of the EA for public involvement, a legal advertisement will be placed in a local publication notifying the public of the public hearing and availability of the EA for review. The public will be provided a 30-day comment period. Following the public hearing, if determined appropriate, a request for a Finding of No Significant Impact (FONSI) will be submitted to FHWA. All comments received during this period will be addressed and attached to the FONSI request. If any comments require a change to the EA, an Additional Information document may be prepared and approved by FHWA prior to the submission of the FONSI request to FHWA. The preparation of the FONSI by FHWA will indicate the NEPA process for this project has been completed. Once the NEPA process is completed, a public notice announcing the availability of the FONSI will be advertised in local publications of general circulation.

Public Controversy on Environmental Grounds

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

There has been public controversy concerning potential community impacts of the US 31 Limited Access Project. INDOT has considered public feedback throughout the project development process. Public engagement has informed the selection of preferred alternatives and defined the key features of the project, including:

- maintaining cross community connectivity by providing overpasses at select locations;
- where possible, minimizing impacts to residential, commercial, and historic properties by carefully choosing cul-de-sac placement;
- minimizing impacts to emergency service response times by maintaining US 31 crossovers for emergency services use only at select locations;
- constructing an interchange at 276th Street to maintain access to US 31.

INDOT will continue public outreach activities after the National Environmental Policy Act (NEPA) process is complete to inform the public of maintenance of traffic changes and provide updates during construction.

Avoidance, Minimization, and Mitigation Efforts

INDOT has made the following efforts throughout the development of the US 31 Limited Access Project to avoid and minimize impacts of the project to surrounding communities and the natural environment:

- 276th Street Interchange – several different interchange designs were considered and the preferred alternative, as outlined in this document, will minimize, to the greatest extent, impacts to the environment as compared to the other build alternatives studied.
- 226th Street and 266th Street Overpasses – the 226th Street overpass design will have minimal tree clearing, wetland, and stream impacts. The 266th Street overpass design will have unavoidable stream crossing impacts, removal of one tree, and no wetland impacts.

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- 216th Street, 246th Street, 256th Street, and 281st Street Cul-de-sacs – all cul-de-sac locations will have minimal tree clearing and wetland impacts.

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

Sponsor of the Project: INDOT INDOT District: Greenfield

Local Name of the Facility: US 31

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

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

PURPOSE AND NEED:

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

The need for the project derives from the high rate of vehicular crashes that are occurring along the US 31 corridor. An *Existing Conditions Report* prepared by CHA Consulting on February 20, 2017 evaluated crash data on US 31 in Hamilton County for the three-year period from 2014-2016 (report accessible at <https://www.in.gov/indot/3973.htm> under the "U.S. 31 Corridor Study" link). The study revealed that Hamilton County saw 5.96 crashes per mile per year, and most of these crashes occurred within 1,000 feet of an intersection. Butler, Fairman and Seufert, Inc. (BF&S) prepared a *US 31 Crash and Safety Analysis Report* in June 2021 (see Appendix A, pages 2 – 8) in which crash data was reviewed for the three-year period from 2018-2020. It was determined that during this time frame Hamilton County reported 11.61 crashes per mile per year (see Crash Comparison Table in Appendix A, page 1). This is an approximate 95% increase in crashes per mile per year in Hamilton County between the two study periods. Crash types more commonly associated with rural highways include crashes involving deer, vehicles driving too fast for weather conditions, unsafe speeds, and vehicles running off the road. Crash types more commonly associated with intersections include vehicles failing to yield the right of way, vehicles disregarding a traffic signal or sign, and vehicles following too closely. Approximately 26% of the reported crashes resulted from the common causes associated with rural highways and approximately 44% of all the reported crashes resulted from the common causes associated with intersections. The report also indicates that approximately 67% of all reported crashes occurred within 1,000 feet of an intersection.

US 31 Crash Data Summary for Hamilton County		
	2014-2016	2018-2020
Number of Crashes	152	296
Number of Injuries	53	57
Number of Fatalities	0	3
Number of Deer	34	33
Crash Rate (crashes per mile per year)	5.96	11.61

The purpose of this project is to reduce the overall number of vehicular crashes along US 31 while maintaining access to US 31 and cross community connectivity at select locations.

This is page 4 of 56 Project name: US 31 Limited Access Project Date: August 12, 2021

Version: April 2021

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PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: Hamilton Municipality: Adams Township, Jackson Township

Limits of Proposed Work: US 31 from SR 38 to 286th Street

Total Work Length: 8.5 Mile(s) Total Work Area: Acre(s)

Is an Interstate Access Document (IAD)¹ required?

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

Yes ¹	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: <u>N/A</u>	

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

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

Project History:

Originally, the INDOT Greenfield District and FHWA proposed to limit access to US 31 from SR 38 in Hamilton County to SR 931 in Tipton County. That project would have connected the currently limited access portion of US 31 south of SR 38 in Hamilton County to the currently limited access portion of US 31 from SR 931 north to County Road 450 North in Howard County, Indiana. Funding for the construction of this corridor was broken into segments with some segments having funding included in the State Transportation Improvement Program (STIP) Fiscal Year (FY) 2020-2024, some segments that were planned to be included in the upcoming FY 2022 -2025 STIP, and some segments that were yet to have a funding plan in place.

INDOT has a funding plan in place for all the proposed US 31 improvements in Hamilton County (Appendix B, page 25). The Tipton County portion of the project does not have planned funding. Additionally, the future needs of ongoing development have not yet been realized in Tipton County. Therefore, INDOT decided to shift the Tipton County portion of the project into a Planning and Environmental Linkage (PEL) Study and proceed with the Hamilton County segments as planned. As a result, the logical break point between the two segments is the northern-most funded full-access point where a safe transition for motorists from limited access to existing conditions can be created. This will allow the currently funded projects in Hamilton County to proceed in a timely manner and address the increasing vehicular crash rates, while more time is spent to balance the needs of INDOT and the local communities in Tipton County. (Note: This EA document is specific to US 31 from SR 38 to 286th Street; however, some of the studies included in this report include Tipton County due to the original project scope.)

Location:

The project is located along US 31 from SR 38 to 286th Street in Adams Township and Jackson Township, Hamilton County, Indiana. The project is mapped on the following United States Geological Survey (USGS) 7.5 -minute Topographic Quadrangles (Appendix B, page 2):

West Side of US 31			East Side of US 31		
USGS Westfield, IN Quadrangle			USGS Noblesville, IN Quadrangle		
Section	Township	Range	Section	Township	Range
13	19 N	3 E	18	19 N	4 E
12	19 N	3 E	7	19 N	4 E
1	19 N	3 E	6	19 N	4 E
USGS Sheridan, IN Quadrangle			USGS Arcadia, IN Quadrangle		
Section	Township	Range	Section	Township	Range
36	20 N	3 E	31	20 N	4 E
25	20 N	3 E	30	20 N	4 E
24	20 N	3 E	19	20 N	4 E
13	20 N	3 E	18	20 N	4 E
12	20 N	3 E	7	20 N	4 E

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Existing Conditions:

US 31 is a four-lane, divided, Rural Principal Arterial roadway with an Average Annual Daily Traffic (AADT) of 27,538 vehicles per day (vpd) in 2020 per INDOT's Traffic Count Database. US 31 has a typical cross-section consisting of two 12-foot wide through lanes in each direction (northbound (NB) and southbound (SB)) with 10-foot paved shoulders adjacent to the outside lanes and 4-foot paved shoulders adjacent to the inside lane. Northbound and southbound lanes are separated by a grass median ranging in width from 36 feet to 47 feet. There are ten (10) roads that intersect US 31 within the study area. Dedicated left turn lanes exist at each of these intersecting roadways. Two (2) of the intersecting roads, 236th Street and 241st Street, are part of a separate project, under Des. No. 1702149. The current intersection of US 31 at 236th Street is four-legged with signal control. As a result of the 236th Street Project (Des. No. 1702149), the intersection will be upgraded to an interchange, and access to/from 241st Street on the east side of US 31 will be removed and a cul-de-sac on 241st Street constructed. This project has independent utility and has been evaluated separately from this proposal. However, since this project is occurring within the study area, it must be considered when evaluating potential intersection treatments. The remaining intersecting streets include:

Intersecting Roadway	INDOT Functional Classification	Functional Classification -From Hamilton County Thoroughfare Plan (2007)	Average Annual Daily Traffic (AADT) / Vehicles Per Day (vpd) -From Hamilton County GIS (2018 / 2019)	Type of Intersection
216 th Street	Rural Local Road	Collector	2,049 (East of US 31) 136 (West of US 31)	4-legged, stop-controlled on 216 th Street
226 th Street	Rural Local Road	Secondary Arterial	357 (East of US 31) 247 (West of US 31)	4-legged, stop-controlled on 226 th Street
246 th Street	Rural Local Road	Collector	156	3-legged (east side of US 31 only), stop-controlled on 246 th Street
256 th Street	Rural Local Road	Primary Arterial	765 (East of US 31) 815 (West of US 31)	4-legged, stop-controlled on 256 th Street
266 th Street	Rural Major Collector Road	Secondary Arterial	1,329 (East of US 31) 238 (West of US 31)	4-legged, stop-controlled on 266 th Street
276 th Street	Rural Major Collector Road	Collector	664 (East of US 31) 344 (West of US 31)	4-legged, stop-controlled on 276 th Street
281 st Street	Rural Local Road	Collector	39	3-legged (east side of US 31 only), stop-controlled on 281 st Street
286 th Street	Rural Local Road	Collector	107 (East of US 31) 177 (West of US 31)	4-legged, stop-controlled on 286 th Street

NOTE: See Appendix B, page 25 for illustration of the Preliminary Intersection Treatments

Land use in the vicinity of the project is primarily agricultural, with a combination of residential, commercial, light industrial, religious, and recreational land uses present as well.

Preferred Alternative:

Intersections are planned points of conflict in roadway systems. FHWA studies indicate 25% of traffic fatalities and approximately 50% of traffic injuries are attributed to incidences related to conflicts at intersections. To address the safety concerns related to the vehicular crashes occurring along US 31, it was determined that limiting access to US 31 by modifying the existing roadway intersections, removing public access at all median crossover locations, and removing residential and commercial drives along US 31 will reduce the number of conflict points and will reduce the frequency and severity of crashes. The existing streets intersecting US 31 along the corridor have been analyzed for conversion to either cul-de-sacs, overpasses, or interchanges. Several factors were considered in determining the preferred intersection treatment option including: the functional classification and current traffic volume of the intersecting roadway, the distance to adjacent intersections, and existing geometry. Intersecting roadways with higher functional classifications were considered as possible interchange or overpass locations. In general, Arterial Roads carry more traffic than Collector Roads, and Collector Roads carry more traffic than Local Roads. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 3.0 miles apart on an interstate system or less than 2.0 miles apart on other systems (such as US 31). Two interchanges must be factored into the project planning: the existing interchange at US 31 and SR 38 and the proposed interchange at US 31 and 236th Street (Des No 1702149). See Appendix B page 26 for an Intersection Treatment and Cross Community Travel Exhibit illustrating the whole corridor and the placements of the intersection treatments.

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US 31 Limited Access Conversion from SR 38 to 236th Street (Des. No. 1900097)

The limited access conversion from SR 38 to 236th Street will include removal of access at 216th Street to and from US 31, removal of direct access drives for commercial, residential, and agricultural properties onto US 31, and removal of dedicated turn lanes along US 31 within this segment. The project will also install Cable Barrier Systems and ITS Conduit Systems within the right-of-way of US 31 between SR 38 and 236th Street.

216th Street is a Rural Local Road / Collector roadway located approximately 0.5 mile north of the existing SR 38 and US 31 interchange and approximately 2.0 miles south of the planned 236th Street and US 31 interchange. 216th Street extends approximately 0.5 mile west of US 31 where it forms a T-intersection with Dunbar Road. 216th Street extends approximately 3.5 east of US 31 where it forms a T-intersection with Mill Creek Road. On the east side of US 31, 216th Street provides access to portions of subdivisions located near Morse Reservoir. Access to these subdivisions is also provided from the south from SR 38 using several north south roadways (Hinkle Road, Little Chicago Road and Hague Road). Access to these subdivisions is also provided from the north from 236th Street and several north-south roadways (Mill Creek Road, Tollgate Road, Stringtown Pike, and SR 19). Added travel to these subdivisions after the access to 216th Street is removed is less than 1.0 mile and in general the average added travel to US 31 from this area is not expected to exceed 1.5 miles.

Due to its functional classification, current use, and proximity to the existing interchange at SR 38 and planned interchange at 236th Street, this project will remove the access to US 31 at 216th Street and construct cul-de-sacs east and west of US 31, remove turn lanes on US 31, and remove the median cross-over (see Appendix B, page 31 for conceptual exhibit).

226th Street Overpass (Des. No. 1900096)

The portion of the project at 226th Street will include removal of access at 226th Street to and from US 31, removal of direct access drives for commercial, residential, and agricultural properties onto US 31, removal of the dedicated turn lanes along US 31, and removal of the median crossover.

226th Street is a Secondary Arterial roadway located approximately 1.5 miles north of the existing SR 38 and US 31 interchange and approximately 1.0 mile south of the planned 236th Street and US 31 interchange. 226th Street connects to SR 38 on the west side of US 31 and extends to the east through the unincorporated community of Demming. There are several large commercial businesses located on the southeast side of 226th Street and US 31 that have access off US 31. The average added travel to US 31 from this area is not expected to exceed 1.5 miles once access to 226th Street from US 31 is removed.

Due to its functional classification and proximity to the existing interchange at SR 38 and proposed interchange at 236th Street, this project will remove the access to US 31 at 226th Street, construct a new bridge to carry 226th Street over US 31, remove turn lanes on US 31, and remove the median cross-over. Construction of an overpass allows for convenient cross-community connectivity. To maintain access to the commercial businesses, it is proposed to construct a new local road approximately 0.25 mile east of US 31 that extends south from 226th Street for approximately 0.35 mile, and to construct a new local road approximately 0.25 mile east of US 31, that will extend from 226th Street to a point approximately 0.5 mile north of 226th Street that it will connect with the proposed local roadway included as part of the 236th Street Interchange project (see Appendix B, page 32 for conceptual exhibit).

US 31 Limited Access Conversion from 236th Street to 276th Street (Des. No. 2002313)

The limited access conversion portion of the project from 236th Street to 276th Street will include removal of access to and from US 31 at 246th Street, 256th Street and 266th Street. This project will remove direct access drives for commercial, residential, and agricultural properties onto US 31 and remove the dedicated turn lanes along US 31 within this segment. The project will also install Cable Barrier Systems and ITS Conduit Systems in the median of US 31 between 236th Street and 276th Street.

246th Street is a Rural Local Road / Collector roadway located approximately 1.0 mile north of the planned 236th Street and US 31 interchange and approximately 3.0 miles south of the proposed 276th Street and US 31 interchange. 246th Street begins at US 31 and extends approximately 3.0 miles east where it forms a T-intersection with Devaney Road. The average added travel to US 31 from this area is not expected to exceed 2.0 miles once access to 246th Street from US 31 is removed. Due to its functional class, existing geometry, and proximity to the planned interchange at 236th Street and proposed interchange at 276th Street, this project will remove the access to US 31 at 246th Street and construct a cul-de-sac on 246th Street, remove the turn lane on US 31, and remove the median cross-over (see Appendix B, page 33 for conceptual exhibit).

256th Street is a Rural Local Road / Primary Arterial roadway located approximately 2.0 miles north of the planned 236th Street and US 31 interchange and approximately 2.0 miles south of the proposed 276th Street and US 31 interchange. 256th Street extends approximately 3.0 miles west of US 31 where it intersects with Six Points Road, then continues another 0.5 mile west as a Local Roadway where it forms a T-intersection with Eagletown Road. 256th Street extends approximately 6.0 miles east of US 31 where it

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connects with SR 19, approximately 0.5 mile south of the Town of Arcadia. The average added travel to US 31 from this area is not expected to exceed 1.5 miles once access to 256th Street from US 31 is removed.

266th Street is Rural Major Collector Road / Secondary Arterial roadway located approximately 3.0 miles north the planned 236th Street and US 31 interchange and approximately 1.0 mile south of the proposed 276th Street and US 31 interchange. 266th Street extends approximately 3.0 miles west of US 31 where it intersects with Six Points Road. 266th Street extends approximately 6.0 miles east of US 31, passing through the Town of Arcadia and connecting with SR 19, then continues east beyond the county line. The average added travel to US 31 from this area is not expected to exceed 1.5 miles once access to 266th Street from US 31 is removed.

256th Street and 266th Street are located approximately 1.0 mile apart. Given the proximity of these two roadways, only one overpass is being proposed. Since 266th Street connects directly to the Town of Arcadia and has traffic volumes east of US 31 that are 65% higher than 256th Street, 266th Street is the preferred location for an overpass. Construction of an overpass allows for convenient cross-community connectivity. The project will remove access to US 31 at 266th Street and construct a bridge to carry 266th Street over US 31, remove turn lanes on US 31, and remove the median cross-over. Due to the current alignment of 266th Street on the east side of US 31, the roadway and overpass will require a realignment of 266th Street up to 200 feet south of its current alignment east of US 31 (see Appendix B, page 35 for conceptual exhibit). The project will remove access to US 31 at 256th Street by constructing cul-de-sacs on 256th Street, remove the turn lanes on US 31, and remove the median cross-over (see Appendix B, page 34 for conceptual exhibit).

276th Street Interchange (Des. No. 1901797; including sub Des. Nos. as discussed below)

The portion of the project at 276th Street will include the construction of an interchange at US 31, removal of access at 281st Street to and from US 31, removal of direct access drives for commercial, residential, and agricultural properties along US 31 from 276th Street to 281st Street, and removal of median crossovers up to (and including) 286th Street.

276th Street is a Rural Major Collector / Collector roadway located approximately 4.0 miles north of the planned 236th Street and US 31 interchange. 276th Street extends 6.0 miles to the west of US 31 into Boone County. To the east of US 21, 276th Street extends approximately 4.5 miles to Gwinn Road. In the southwest quadrant of 276th Street and US 31 there is a Reynold's tractor dealership with almost 60,000 square feet of building space. On 276th Street, approximately 4.1 miles east of US 31, is Beck Hybrid's Agricultural/Industrial property with numerous buildings and grain elevators. The Town of Arcadia is located approximately 5.5 miles east of US 31 and approximately 1.0 mile south of 276th Street. In addition, the State of Indiana State Armory owns approximately 54 acres of vacant land on the northeast quadrant of 276th Street and US 31.

An interchange will occur at 276th Street. This interchange will allow for convenient access to US 31 for local, agricultural, and commercial traffic and provides convenient cross-community connectivity, as well as easy access to US 31 for the future Indiana State Armory. The construction of the 276th Street interchange will require the construction of a new bridge to carry 276th Street over US 31 (Des. No. 1901798), and the replacement and widening of three (3) existing bridges (276th Street over Little Cicero Creek (Des. No. 2002954), US 31 NB over Little Cicero Creek (Des. No. 1700934) and US 31 SB over Little Cicero Creek (Des. No. 1700935). New interchange ramps to allow access between 276th Street and NB US 31 will be constructed in the southeast quadrant of the existing intersection, and new interchange ramps to allow access between 276th Street and SB US 31 will be constructed in the northwest quadrant of the existing intersection. The existing access drive serving the commercial business in the southwest quadrant will be relocated to the west and connect to 276th Street approximately 450 feet west of its current location. The 276th Street interchange portion of the project will also include roadway reconstruction and widening work along 276th Street from Dunbar Road (East 11th Street) to US 31 (Des. No. 2002949) (see Appendix B, pages 36 - 37 for conceptual exhibits).

281st Street is a Rural Local Road / Collector roadway located approximately 0.5 mile north of the proposed 276th Street and US 31 interchange and falls within the influence zone of the proposed interchange at 276th Street. 281st Street begins at US 31 and extends approximately 3.0 miles east where it forms a T-intersection with Devaney Road. The average added travel to US 31 from this area is not expected to exceed 2.0 miles once access to 281st Street from US 31 is removed. Due to its functional class, existing geometry, and proximity to the proposed interchange at 276th Street, this project will remove the access to US 31 at 281st Street and construct a cul-de-sac on 281st Street, remove the turn lane on US 31, and remove the median cross-over (see Appendix B, page 38 for conceptual exhibit).

286th Street is a Rural Local Road / Collector roadway located approximately 1.0 mile north the proposed 276th Street and US 31 interchange. 286th Street extends approximately 6.0 miles west of US 31 to the Boone County line. 286th Street extends approximately 2.0 miles east of US 31 where it forms a T-intersection with Cal Carson Road. Limited access on US 31 can be transitioned to its current access between 281st Street and 286th Street. Therefore, this project will only remove the median crossover at this location and allow right-in and right-out access at 286th Street onto US 31.

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Preferred Alternative Summary

Preliminary preferred alternatives at each cross street, summarized in the table below have been identified by INDOT based on preliminary environmental studies completed, and public and local government feedback received to date.

Intersecting Roadway	Preliminary Preferred Alternative	Notes	Funding Year
216th Street	Proposed Cul-de-sac	Part of Subject Study Des. No. 1900097	FY 2023
226th Street	Proposed Overpass	Part of Subject Study Des. No. 1900096	FY 2023
236th Street	Proposed Interchange	Project of Independent Utility Des. No. 1702149	FY 2022
241st Street	Proposed Cul-de-sac	Project of Independent Utility Des. No. 1702149	FY 2022
246th Street	Proposed Cul-de-sac	Part of Subject Study Des. No. 2002313	FY 2024
256th Street	Proposed Cul-de-sac	Part of Subject Study Des. No. 2002313	FY 2024
266th Street	Proposed Overpass	Part of Subject Study Des. No. 2002313	FY 2024
276th Street	Proposed Interchange	Part of Subject Study Des. Nos. 1901797, 1901718, 1700934, 1700935, 2002954, and 2002949	FY 2022
281st Street	Proposed Cul-de-sac	Part of Subject Study Des. No. 1901797	FY 2022
286th Street	Close Median and allow Right-turn in and Right-turn out only	Part of Subject Study Des. No. 1901797	FY 2022

In general, the cul-de-sacs will have an approximate 50-foot radius and will be oriented north, center, or south relative to the existing roads to minimize impacts to existing properties. All areas where existing pavement is removed will be reseeded (Appendix B, pages 27 - 38). Roadway signage along the project area will be evaluated further in the design process.

The project design has minimized all impacts to the extent possible, including right-of-way, wetlands, streams, floodplains, Section 4(f.) resources, cultural resources, and potential Environmental Justice populations. Impacts to migratory birds and protected bats will be avoided and/or minimized to the greatest extent possible. Measures designed to avoid and minimize impacts to environmental resources are included as firm commitments in the Environmental Commitments section of this document.

Maintenance of Traffic (MOT):

Where new overpass bridges are proposed for construction, traffic will be detoured along cross streets. Cross streets that are to be turned into cul-de-sacs will experience a permanent traffic alteration. Proposed interchange areas will utilize phased construction to maintain traffic. During construction, 276th Street will be closed to thru traffic at US 31. Traffic will be maintained using a detour. US 31 is expected to remain open to traffic throughout construction; however, some lane restrictions may be required at times. A more detailed discussion of the MOT can be found in the MOT section later in this document.

Fulfillment of Purpose and Need:

The preferred alternative will meet the purpose and need for the project by improving safety along the US 31 corridor throughout Hamilton County. Specifically, the project will modify the existing intersections, remove public access at all median crossover locations and remove residential and commercial drives along US 31 which will result in a reduced number of conflict points, thereby reducing the frequency and severity of crashes. It is anticipated that up to a 40% reduction in vehicle collisions will result from the modification of the US 31 to limited access within Hamilton County, Indiana (Appendix A).

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Logical Termini/Independent Utility:

286th Street is the logical northern termini for the overall project because 281st Street is within the influence area of the planned interchange at 276th Street and, therefore, access to US 31 at 281st Street needs to be closed. 286th Street provides the next access point to US 31, so the project will transition from the limited access conditions designation to the existing condition access designation between 281st Street and 286th Street. SR 38 is the logical southern termini for the overall project since it defines the current northernmost limited access designation point for US 31 in Hamilton County. This project provides independent utility by meeting the purpose and need without relying on other projects to improve safety along US 31 in Hamilton County between SR 38 and 286th Street.

OTHER ALTERNATIVES CONSIDERED:

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

Do Nothing Alternative (No Build)

The Do-Nothing Alternative would involve no disruption and no additional cost, other than ongoing maintenance, within the project area. While this alternative would avoid impacts to surrounding properties and resources and would include no construction costs, the US 31 corridor would continue to experience safety issues. The project's purpose and need which is to address safety concerns along the US 31 corridor in Hamilton County would not be met. Since this alternative would not fulfill the purpose and need, it was eliminated from further consideration.

216th Street Interchange Alternative

This alternative would involve construction of an interchange at US 31 and 216th Street. 216th Street is located 0.5 mile north of the existing SR 38 and US 31 interchange and approximately 2.0 miles south of the planned 236th Street and US 31 interchange. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 2.0 miles apart on non-interstate systems. Since an interchange at 216th Street would be within 2.0 miles of an existing interchange, this alternative was eliminated from further consideration.

216th Street Overpass Alternative

This alternative would involve construction of an overpass bridge to carry 216th Street over US 31. 216th Street extends approximately 0.5 mile west of US 31 where it forms a T-intersection with Dunbar Road, and extends approximately 3.5 miles east of US 31 where it forms a T-intersection with Mill Creek Road. An overpass carrying 216th Street over US 31 would meet the purpose and need of the project, which is to improve safety along this section of the US 31 corridor; however, existing traffic patterns indicate that 216th Street is not currently a popular route for commuters to get between the east and west sides of US 31. This is likely due to the lack of connection with SR 38 to the west. Alternate routes that provide cross community connectivity would be available less than 1.0 mile south of 216th Street at SR 38, and 1.0 mile north of 216th Street at the proposed 226th Street overpass. An overpass that would provide connection between east and west sides of US 31 at 216th Street would require 216th Street to be extended on new alignment for approximately 0.32 mile between Dunbar Road and SR 38. This roadway extension would result in additional environmental impacts, including likely impacts to forested and open water wetlands, increased right-of-way impacts, as well as increased construction costs. This alternative is not considered the preferred alternative since the existing 216th Street is not commonly used for crossing US 31, there is an existing alternate access across US 31 at SR 38, and the proposed overpass access across US 31 at 226th Street.

226th Street Interchange Alternative

This alternative would involve construction of an interchange at US 31 and 226th Street. 226th Street located approximately 1.5 miles north of the existing SR 38 and US 31 interchange, and approximately 1.0 mile south of the planned 236th Street and US 31 interchange. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 2.0 miles apart on non-interstate systems. Since an interchange at 226th Street would be within 2.0 miles of an existing interchange, this alternative was eliminated from further consideration.

226th Street Cul-de-sac Alternative

This alternative involves the construction of cul-de-sacs along 226th Street on both the east and west sides of US 31. 226th Street connects to SR 38 on the west side of US 31 and extends to the east through the unincorporated community of Demming. Based on traffic data and roadway classification, 226th Street is used currently used for cross community connectivity. Closure of the access to 226th Street from US 31 and construction of cul-de-sacs would meet the purpose and need of the project which is to improve safety

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along this section of the US corridor; however, this alternative would not maintain cross community connectivity. Therefore, the 226th Street Cul-de-Sac Alternative is not considered to be the preferred alternative.

246th Street Interchange Alternative

This alternative would involve construction of an interchange at US 31 and 246th Street. 246th Street is located approximately 1.0 mile north of the planned 236th Street and US 31 interchange and approximately 3.0 miles south of the proposed 276th Street and US 31 interchange. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 2.0 miles apart on non-interstate systems. Since an interchange at 246th Street would be within 2.0 miles of a planned interchange, this alternative was eliminated from further consideration.

246th Street Overpass Alternative

This alternative would involve the construction of an overpass bridge along 246th Street over US 31. 246th Street begins at US 31 and extends approximately 3.0 miles east where it forms a T-intersection with Devaney Road. There is no connection to 246th Street on the west side of US 31. As a result, 246th Street does not currently provide direct cross-community connectivity. Construction of an overpass bridge carrying 246th Street over US 31 meets the purpose and need of the project, which is to improve safety along this section of the US 31 corridor; however, it would not be prudent since 246th Street does not extend west from US 31. To provide cross-community connectivity along 246th Street, approximately 0.5 mile of new roadway construction beginning at US 31 and extending west to Dunbar Road would be required to complete the link. This road extension would increase the cost and environmental impacts including a potential residential relocation and potential stream crossings. 236th Street provides a better cross-community connection for commuters and is a planned location for an interchange at US 31. Therefore, the 246th Street Overpass Alternative is not considered to be the preferred alternative.

256th Street Interchange Alternative

256th Street is located approximately 2.0 miles north of the planned 236th Street and US 31 interchange and approximately 2.0 miles south of the proposed 276th Street and US 31 interchange. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 2.0 miles apart on other systems. Since an interchange at 256th Street would be within 2.0 miles of a planned interchange, this alternative was eliminated from further consideration.

256th Street Overpass and 266th Street Cul-de-sac Alternative

256th Street is classified as Local Rural Road / Primary Arterial roadway and 266th Street is classified a Rural Major Collector Road/ Secondary Arterial roadway. 256th Street extends approximately 3.0 miles west of US 31 where it intersects with Eagletown Road. 256th Street extends approximately 6.0 miles east of US 31 where it connects with SR 19, approximately 0.5 mile south of the Town of Arcadia. 266th Street extends approximately 3.0 miles west of US 31 where it intersects with Six Points Road. 266th Street extends approximately 6.0 miles east of US 31, passing through the Town of Arcadia, and connects with SR 19 then continues east beyond the county line.

Based on traffic data collected by Hamilton County in 2019, 256th Street has an AADT of 414 vpd west of US 31 and 815 vpd east of US 31 and 266th Street has an AADT of 238 vpd west of US 31 and 1,329 vpd east of US 31. The traffic data indicates that, despite the current roadway classifications, 266th Street is the more traveled route between the Town of Arcadia and US 31. 256th Street and 266th Street are located approximately 1.0 mile apart. Given the proximity of these two roadways, only one overpass is being proposed between these two locations. Construction of overpasses at both locations would increase environmental and right-of-way impacts, as well as increase construction costs.

Constructing an overpass to carry 256th Street over US 31 and converting the 266th Street intersection into a cul-de-sac meets the purpose and need of the project, which is to improve safety along this section of the US 31 corridor. however, it is not desired since the existing traffic patterns indicate that 266th Street has 65% greater AADT than 256th Street. This is likely due to the direct connection that 266th Street provides to the Town of Arcadia. Since the Arcadia Police Department and Jacksonville Township Fire Department are near 266th Street, and 266th Street has a greater AADT count than 256th Street, the 256th Street Overpass 266th Street Cul-de-sac Alternative is not considered to be the preferred alternative.

266th Street Interchange and 276th Street Overpass Alternative

276th Street is classified as a Rural Major Collector / Local Collector roadway and 266th Street is classified as a Rural Major Collector/ Secondary Arterial roadway. 276th Street extends 6.0 miles to the west into Boone County. To the east 276th Street extends approximately 4.5 miles to Gwinn Road. 266th Street extends approximately 3.0 miles west of US 31 where it intersects with Six Points Road. 266th Street extends approximately 6.0 miles east of US 31, passing through the Town of Arcadia, and connects with SR 19. 266th Street and 276th Street are located approximately 1.0 mile apart. Given the proximity of these two roadways, only one interchange is being proposed between these two locations. US 31 is a four-lane, divided, Rural Principal Arterial roadway. According to Chapter 48 of the INDOT Design Manual, interchanges in rural areas should not be spaced less than 2.0 miles apart on non-interstate systems.

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In the southwest quadrant of 276th Street and US 31 there is large Reynold's tractor dealership with almost 60,000 square feet of building space. On 276th Street, approximately 4.1 miles east of US 31 is Beck Hybrid's Agricultural/Industrial property with numerous buildings and grain elevators. Town of Arcadia is located approximately 5.5 miles east of US 31 and approximately 1.0 mile south of 276th Street. Additionally, the State of Indiana State Armory owns approximately 54 acres of vacant land on the northeast quadrant of 276th Street and US 31.

An interchange carrying 266th Street over US 31 and converting the 276th Street intersection into an overpass meets the purpose and need of the project, which is to improve safety along this section of the US 31 corridor; however, it is not desired since an interchange at 266th Street would not provide direct access to the commercial and agricultural businesses on 276th Street as well as direct access to US 31 for the future Indiana State Armory. As a result, this alternative has been eliminated from further consideration.

276th Street Cul-de-sac Alternative

This alternative proposes to construct cul-de-sacs on 276th Street on both the east and west sides of US 31. 276th Street currently extends 6.0 miles to the west of US 31 into Boone County. Going east from US 31, 276th Street extends approximately 4.5 miles to Gwinn Road. Based on traffic data and roadway classification, 276th Street is currently used for cross community connectivity. Closure of the access to 276th Street from US 31 and construction of cul-de-sacs would meet the purpose and need of the project, which is to improve safety along this section of the US 31 corridor; however, since construction of cul-de-sacs on 276th Street and terminating the east west connectivity would not maintain cross community connectivity, the 276th Street Cul-de-Sac Alternative is not considered to be the preferred alternative.

281st Street Interchange Alternative

281st Street is a Local Collector roadway located approximately 0.5 mile north of the proposed 276th Street and US 31 interchange. 281st Street begins at US 31 and extends approximately 3.0 miles east where it forms a T-intersection with Devaney Road. 281st Street does not exist west of US 31. Construction of an interchange would meet the purpose and need of the project, which is to improve safety along US 31 along this section of the US 31 corridor; however, this is not prudent since 281st Street currently does not extend west from US 31. To improve cross-community connectivity, approximately 3.0 miles of new roadway construction, in addition to the interchange bridge, would need to be completed to connect 281st Street to its current terminus at Ditch Road. This road extension would increase the construction cost and environmental impacts including potential residential relocations. Therefore, an interchange at this location would not provide the ideal cross-community connectivity. Since 276th Street provides a better cross-community connection for commuters, and this is the planned location for an interchange, the 281st Street Interchange Alternative is not considered to be the preferred alternative.

281st Street Overpass Alternative

281st Street forms a T-intersection on the east side of US 31, approximately 0.5 mile north of the planned interchange at 276th Street. There is no connection to 281st Street on the west side of US 31. As a result, 281st Street does not currently provide direct cross-community connectivity. Constructing an overpass carrying 281st Street over US 31 meets the purpose and need of the project, which is to improve safety along this section of the US 31 corridor; however, it is not prudent since 281st Street currently does not extend west from US 31. To provide cross-community connectivity, approximately 3.0 miles of new roadway construction, in addition to the overpass bridge, would need to be completed to connect 281st Street to its current terminus at Ditch Road. This road extension would increase the construction cost and environmental impacts including potential residential relocations. Therefore, an overpass at this location would not provide the ideal cross-community connectivity. Since 276th Street provides a better cross-community connection for commuters, and this is the planned location for an interchange, the 281st Street Overpass Alternative is not considered to be the preferred alternative.

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

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies;

It would not correct existing deteriorated conditions and maintenance problems; or

It would result in serious impacts to the motoring public and general welfare of the economy.

Other (Describe):

X

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ROADWAY CHARACTER:

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

Name of Roadway United States Highway 31
 Functional Classification: Rural Principal Arterial
 Current ADT: 29,570 VPD (2017) Design Year ADT: 36,530 VPD (2044)
 Design Hour Volume (DHV): 3,150 Truck Percentage (%) 14
 Designed Speed (mph): 70 Legal Speed (mph): 60

	Existing	Proposed
Number of Lanes:	Two southbound, Two northbound, One designated left turn	Two southbound, Two northbound
Type of Lanes:	Through, Turn	Through
Pavement Width:	76-100 ft.	76 ft.
Shoulder Width:	28 ft.	28 ft.
Median Width:	42-47 ft.	47 ft.
Sidewalk Width:	n/a ft.	n/a ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 216th Street
 Functional Classification: Local Road
 Current ADT: 2049 VPD (2018) Design Year ADT: 50 VPD (2042)
 Design Hour Volume (DHV): 205 Truck Percentage (%) 5%
 Designed Speed (mph): 40 Legal Speed (mph): 40

	Existing	Proposed
Number of Lanes:	Two	Two
Type of Lanes:	Through	Through
Pavement Width:	20 ft.	20 ft.
Shoulder Width:	n/a ft.	4 ft.
Median Width:	n/a ft.	n/a ft.
Sidewalk Width:	n/a ft.	n/a ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

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Name of Roadway 226th Street
 Functional Classification: Local Road
 Current ADT: 357 VPD (2018) Design Year ADT: 587 VPD (2042)
 Design Hour Volume (DHV): 38 Truck Percentage (%) 10%
 Designed Speed (mph): 50 Legal Speed (mph): 45

	Existing		Proposed	
Number of Lanes:	Two		Two	
Type of Lanes:	Through		Through	
Pavement Width:	20	ft.	24	ft.
Shoulder Width:	3	ft.	4 - 12	ft.
Median Width:	n/a	ft.	n/a	ft.
Sidewalk Width:	n/a	ft.	n/a	ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway Access Road (New Road Associated with 226th Street and 236th Street)
 Functional Classification: Local Road
 Current ADT: n/a VPD (2022) Design Year ADT: 100 VPD (2042)
 Design Hour Volume (DHV): 10 Truck Percentage (%) 5%
 Designed Speed (mph): 40 Legal Speed (mph): 40

	Existing		Proposed	
Number of Lanes:	n/a		Two	
Type of Lanes:	n/a		Through	
Pavement Width:	n/a	ft.	32	ft.
Shoulder Width:	n/a	ft.	4	ft.
Median Width:	n/a	ft.	n/a	ft.
Sidewalk Width:	n/a	ft.	n/a	ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 246th Street
 Functional Classification: Local Road
 Current ADT: 156 VPD (2018) Design Year ADT: 50 VPD (2042)
 Design Hour Volume (DHV): 5 Truck Percentage (%) 2%
 Designed Speed (mph): 40 Legal Speed (mph): 40

	Existing		Proposed	
Number of Lanes:	Two		Two	
Type of Lanes:	Through		Through	
Pavement Width:	20	ft.	20	ft.
Shoulder Width:	n/a	ft.	4	ft.
Median Width:	n/a	ft.	n/a	ft.
Sidewalk Width:	n/a	ft.	n/a	ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

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Name of Roadway 256th Street
 Functional Classification: Local Road
 Current ADT: 815 VPD (2018) Design Year ADT: 50 VPD (2042)
 Design Hour Volume (DHV): 82 Truck Percentage (%) 5%
 Designed Speed (mph): 55 Legal Speed (mph): 55

	Existing		Proposed	
Number of Lanes:	Two		Two	
Type of Lanes:	Through		Through	
Pavement Width:	20	ft.	20	ft.
Shoulder Width:	n/a	ft.	4	ft.
Median Width:	n/a	ft.	n/a	ft.
Sidewalk Width:	n/a	ft.	n/a	ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 266th Street
 Functional Classification: Rural Major Collector
 Current ADT: 1,340 VPD (2018) Design Year ADT: 526 VPD (2042)
 Design Hour Volume (DHV): 134 Truck Percentage (%) 5%
 Designed Speed (mph): 50 Legal Speed (mph): 55

	Existing		Proposed	
Number of Lanes:	Two		Two	
Type of Lanes:	Through		Through	
Pavement Width:	20	ft.	32-48	ft.
Shoulder Width:	n/a	ft.	4-12	ft.
Median Width:	n/a	ft.	n/a	ft.
Sidewalk Width:	n/a	ft.	n/a	ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 276th Street
 Functional Classification: Rural Major Collector east of US 31 / Local Road west of US 31
 Current ADT: 664 VPD (2018) Design Year ADT: 795 VPD (2043)
 Design Hour Volume (DHV): 118 Truck Percentage (%) 5%
 Designed Speed (mph): 55 Legal Speed (mph): 45

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	Existing	Proposed
Number of Lanes:	Two	Four
Type of Lanes:	Through	Two Through, Two Auxiliary Lanes at Interchange
Pavement Width:	22 (west of US 31) 24 (east of US 31)	24-48
Shoulder Width:	N/A (west of US 31); 3 (earth; east of US 31)	6
Median Width:	N/A	12
Sidewalk Width:	N/A	N/A

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 281st Street
 Functional Classification: Local Road
 Current ADT: 39 VPD (2019) Design Year ADT: 25 VPD (2043)
 Design Hour Volume (DHV): 5 Truck Percentage (%) 1
 Designed Speed (mph): 45 Legal Speed (mph): 45

	Existing	Proposed
Number of Lanes:	Two	Two
Type of Lanes:	Through	Through
Pavement Width:	17	20
Shoulder Width:	N/A	4
Median Width:	N/A	N/A
Sidewalk Width:	N/A	N/A

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway 286th Street
 Functional Classification: Local Road
 Current ADT: 177 VPD (2018) Design Year ADT: 50 VPD (2043)
 Design Hour Volume (DHV): 5 Truck Percentage (%) 5%
 Designed Speed (mph): 45 Legal Speed (mph): 45

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	Existing	Proposed
Number of Lanes:	Two	Two
Type of Lanes:	Through	Through
Pavement Width:	20 ft.	20 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	N/A ft.

Setting: ☐ Urban ☐ Suburban ☒ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

BRIDGES AND/OR SMALL STRUCTURE(S):

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

Structure/NBI Number(s): 31-29-04572B SBL/009660 (Exist.) Sufficiency Rating: 92.6, 2018 Bridge Inspection Report
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	Continuous Non-Composite Steel Beam	Continuous Composite Prestressed I-Beam
Number of Spans:	3	3
Weight Restrictions:	N/A (HS 20) ton	N/A (HL-93) ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	33.33 ft.	Varies 73.97 to 80.28 ft.
Outside to Outside Width:	36.33 ft.	Varies 76.96 to 83.26 ft.
Shoulder Width:	4.67 ft.	5.67 Median/Varies 9.67 to 11.76 ft.

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

Replacement and widening of existing 61-year-old non-composite steel beam bridge with scour critical piers carrying SB US 31 over Little Cicero Creek will take place. The replacement structure will provide two (2) through lanes and an exit ramp lane for proposed interchange at 276th Street and US 31. The proposed structure will consist of a three-span prestressed concrete Type 1 American Association of State Highway and Transportation Officials (AASHTO) I-Beams on shallow end bents and wall piers supported on HP 12' x 74' piles. The new bridge will result in approximately 40 linear feet of impacts to Little Cicero Creek.

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Structure/NBI Number(s): 31-29-04572B NBL/ 009650 (Exist.) Sufficiency Rating: 92.6, 2018 Bridge Inspection Report
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	Continuous Non-Composite Steel Beam		Continuous Composite Prestressed I-Beam	
Number of Spans:	3		3	
Weight Restrictions:	N/A (HS 20)	ton	N/A (HL-93)	ton
Height Restrictions:	N/A	ft.		ft.
Curb to Curb Width:	33.33	ft.	53.33	ft.
Outside to Outside Width:	36.33	ft.	56.33	ft.
Shoulder Width:	4.67	ft.	5.67/11.67	ft.

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

Replacement and widening of existing 61-year-old non-composite steel beam bridge with scour critical piers carrying NB US 31 over Little Cicero Creek. Replacement structure will provide two (2) through lanes and an entrance ramp lane for proposed interchange construction at 276th Street and US 31. Proposed structure will consist of a three-span prestressed concrete Type 1 AASHTO I-Beams on shallow end bents and wall piers on HP 12 x 74 piles.

Structure/NBI Number(s): 031-29-10579 Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	N/A		Two span, Bulb-Tee 48x49 bridge with Integral End Bents	
Number of Spans:	N/A		2	
Weight Restrictions:	N/A	ton	HL-93	ton
Height Restrictions:	N/A	ft.	*17.74 and 16.90	ft.
Curb to Curb Width:	N/A	ft.	48	ft.
Outside to Outside Width:	N/A	ft.	51	ft.
Shoulder Width:	N/A	ft.	6	ft.

*Note: Understructure minimum vertical clearances noted for SBL and NBL, respectively.

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

Construction of a new two span (105'-0", 105'-0"), bulb-tee beam bridge, along 276th Street over US 31.

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Structure/NBI Number(s): TBD (276th Street over Little Cicero Creek) Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	Reinforced Concrete Slab Bridge		Continuous Prestressed Concrete I-Beam Bridge	
Number of Spans:	3		3	
Weight Restrictions:	HS-20	ton	HL-93	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	24	ft.	39.5	ft.
Outside to Outside Width:	27	ft.	42.5	ft.
Shoulder Width:	0	ft.	7.6-10	ft.

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

A replacement 3-span (40'-9", 41'-6", 40'-9") continuous prestressed concrete AASHTO I-beam bridge will be constructed to carry 276th Street over Little Cicero Creek. Approximately 73 linear feet of impacts to Little Cicero Creek are anticipated from the construction of this bridge.

Structure/NBI Number(s): CV 031-029-142.03-ADJ-W1 Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	N/A		18 ft. x 5 ft. Precast Box with Wingwalls	
Number of Spans:	N/A		1	
Weight Restrictions:	N/A	ton	HL-93	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	*40	ft.
Outside to Outside Width:	N/A	ft.	55	ft.
Shoulder Width:	N/A	ft.	8	ft.

*Note: This is the shoulder-to-shoulder width, there are no curbs.

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

Placement of a new box culvert (floodway equalizer pipe), under 276th Street.

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Structure/NBI Number(s): CV 031-029-142.03-ADJ-W2 Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	18 ft. x 5 ft. Precast Box with Wingwalls
Number of Spans:	N/A	1
Weight Restrictions:	N/A ton	HL-93 ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	*40 ft.
Outside to Outside Width:	N/A ft.	58 ft.
Shoulder Width:	N/A ft.	8 ft.

**Note: This is the shoulder-to-shoulder width, there are no curbs.*

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

Placement of a new box culvert (floodway equalizer pipe), under 276th Street.

Structure/NBI Number(s): CV 031-029-142.03-ADJ-W3 Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	18 ft. x 5 ft. Precast Box with Wingwalls
Number of Spans:	N/A	1
Weight Restrictions:	N/A ton	HL-93 ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	*40 ft.
Outside to Outside Width:	N/A ft.	63 ft.
Shoulder Width:	N/A ft.	8 ft.

**Note: This is the shoulder-to-shoulder width, there are no curbs.*

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

Placement of a new box culvert (floodway equalizer pipe), under 276th Street.

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Structure/NBI Number(s): 31-029-10478 Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	Continuous Composite Prestressed Concrete Bulb-Tee Beam
Number of Spans:	N/A	Two
Weight Restrictions:	N/A ton	N/A ton
Height Restrictions:	N/A ft.	16.5 ft.
Curb to Curb Width:	N/A ft.	40.0 ft.
Outside to Outside Width:	N/A ft.	43 ft.
Shoulder Width:	N/A ft.	Shoulder will be 8.0 on the bridge (off the bridge it will be 8.3 ft with guardrail, 3 ft without)

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

The project will include the construction of a new bridge to carry 226th Street over US 31.

Structure/NBI Number(s): TBD (266th Street Overpass) Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	Continuous Composite Prestressed Concrete Bulb-Tee Beam
Number of Spans:	N/A	Two
Weight Restrictions:	N/A ton	N/A ton
Height Restrictions:	N/A ft.	16.5 ft.
Curb to Curb Width:	N/A ft.	40.0 ft.
Outside to Outside Width:	N/A ft.	43 ft.
Shoulder Width:	N/A ft.	Shoulder will be 8.0 on the bridge (off the bridge it will be 8.3 ft with guardrail, 3 ft without)

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

The project will include the construction of a new bridge to carry 266th Street over US 31. Due to the current alignment of 266th Street on the east side of US 31, the proposed roadway and overpass will require a realignment of 266th Street up to 200 feet south of its current alignment east of US 31.

There are 61 additional small structures, drainage pipes, and drive pipes found within the project area (see Appendix J page 7 – 8 for more information on these structures).

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MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?		X
Is a temporary roadway proposed?		X
Will the project involve the use of a detour or require a ramp closure? (describe below)	X	
Provisions will be made for access by local traffic and so posted.	X	
Provisions will be made for through-traffic dependent businesses.	X	
Provisions will be made to accommodate any local special events or festivals.	X	
Will the proposed MOT substantially change the environmental consequences of the action?		X
Is there substantial controversy associated with the proposed method for MOT?		X

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

All segments of this project will adhere to current INDOT Standards and Specifications general MOT requirements. Except for nighttime lane closures, as described below, all segments of this project will maintain two (2) lanes of traffic in each direction of US 31 throughout construction. Ingress and egress to properties will be maintained during construction, except for those properties proposed to be relocated as part of the project.

According to INDOT's website (<https://www.in.gov/indot/3831.htm>), the 236th Street interchange project is planned to begin in August 2021 and be completed in July 2023. This interchange is anticipated to be open to traffic prior to any cul-de-sac construction proposed for this project. Similarly, the 276th Street interchange portion of this project is planned to be constructed first and open to traffic prior to any cul-de-sac construction proposed for this project. The MOT for the 276th Street interchange is anticipated to be constructed in five (5) phases, which consist of the following:

- Pre-Phase – Utilize nighttime lane closures for shoulder strengthening on US 31 NB and SB and reconstruct the temporary commercial property access on the west side of US 31, approximately 0.25 mile south of 276th Street.
- Phase 1 – US 31 lanes will be shifted to the inside to construct outside widening of US 31, all offline portions of proposed ramps, temporary roadway for 276th Street east of US 31 and outside portions of US 31 SB and NB bridges over Little Cicero Creek. 276th Street, west of US 31, shall not be closed until the US 31 temporary access to Reynold's property has been constructed, including US 31 auxiliary lanes and median opening. There will be a closure and detour for 276th Street, west of US 31.
- Phase 1A – The new US 31 NB bridge over Little Cicero Creek will accommodate the two NB lanes and the NB onramp from 276th Street. In this phase, one lane of NB traffic will be split on to the newly constructed portion of the bridge while the other lane of US 31 NB mainline traffic will be shifted inside and outside while the other side is being built.
- Phase 2 – US 31 lanes will be shifted to the outside to construct the inside portion of US 31 NB and SB bridges over Little Cicero Creek. Temporary pavement will be required to shift traffic off the outside portion of the newly constructed US 31 SB bridge back to US 31 SB mainline. The existing US 31 and 276th Street intersection will be closed to allow for the 276th Street overpass bridge and approaches to be constructed. A nighttime rolling slowdown on US 31, for a temporary full closure in one or both directions, will be necessary to set the 276th Street overpass beams.
- Phase 3 – There will be a temporary closure and detour for 276th Street, east of US 31. Continuous access will be provided to properties along 276th Street. Construction of the proposed connection to 33rd Street will be phased to allow access to properties in the work zone. The remaining sections of 276th Street and portions of US 31 NB and SB will be constructed under the 276th Street overpass. Any final bridge work will be completed.

Where new overpass bridges are proposed for construction, traffic will be detoured on local county roads. Overpass bridges will be constructed and opened to traffic prior to the construction of cul-de-sacs on local county roads. Local county roads that are to be turned

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into cul-de-sacs at US 31 will experience a permanent traffic alteration.

The MOT plan for the 226th Street overpass will require road closure of 226th Street and detour during construction of the new bridge. It is proposed to detour northbound/southbound traffic on Dunbar Road and E. 33rd Street to 236th Street to access or cross over US 31.

The MOT for the 266th Street overpass will require the road closure of 266th Street and detour during construction of the new bridge. It is proposed to detour traffic northbound/southbound on Dunbar Road and Anthony Road to 276th Street to access or cross over US 31.

The closures/lane restrictions will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated, and all inconveniences will cease upon project completion. Delays will occur during construction but will cease with project completion.

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 1,880,000 (2020) Right-of-Way: \$ 500,000 (2021) Construction: \$ 22,775,000 (2022)

Anticipated Start Date of Construction: Spring 2022

RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	31.53	5.56
Commercial	30.18	6.10
Agricultural	320.75	4.50
Forest	7.19	0.00
Wetlands	0.30	0.00
Other: Open Water	0.45	0.00
Other:	0.00	0.00
TOTAL	390.39	16.16

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

The existing right-of-way along US 31 is approximately 180 feet consisting of 90 feet extended from the centerline of the median eastward and westward. It is assumed the existing right-of-way at intersecting roads is to the edge of existing pavement and does not extend northward or southward from the roadway edges.

Roadway	Existing Typical / Maximum right-of-way Width (feet)	Proposed Typical / Maximum right-of-way Width (feet)
US 31	170 / 220	170 / 640
216 th Street	30 / 60	30 / 135
226 th Street	30 / 70	60 / 225
246 th Street	30 / 30	30 / 135
256 th Street	30 / 35	30 / 135
266 th Street	35 / 80	35 / 300
276 th Street	75 / 90	50 / 210
281 st Street	33 / 33	33 / 135
286 th Street	30 / 35	35 / 135

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To date, INDOT has carried out advance acquisitions on three (4) parcels along US 31 associated with this project. It is anticipated that there are fifteen (15) additional parcels that will likely proceed to advanced acquisition that are associated with the 276th interchange. It is unknown at this time if any more advance acquisitions will occur prior to the conclusion of the environmental process.

It is anticipated at this time that all work proposed to occur under Des. No. 1900096 will result in 15.58 acres of permanent right-of-way acquisition involving 5.54 acres of commercial, 1.72 acres of residential, 8.25 acres of agricultural land, and 0.07 acre of wetlands, as well as 2.91 acres of temporary right-of-way acquisition involving commercial and residential land.

It is anticipated at this time that all work proposed to occur under Des. No. 1900097 will result in 67.88 acres of permanent right-of-way acquisition involving 3.55 acres of commercial, 4.19 acres of residential, 60.13 acres of agricultural land, 0.01 acre of wetlands, and 0.25 acre of temporary right-of-way acquisition involving residential land.

It is anticipated at this time that all work proposed to occur under Des. No. 1901797 and sub des. numbers will result in 152.10 acres of permanent right-of-way acquisition involving 8.70 acres of commercial, 2.59 acres of residential, 1.00 acre of forest, 0.20 acre of open water, 0.15 acre of wetland, and 139.46 acres of agricultural land, and 3.13 acres of temporary right-of-way acquisition involving residential land.

It is anticipated at this time that all work proposed to occur under Des. No. 2002313 will result in 154.83 acres of permanent right-of-way acquisition involving 12.39 acres of commercial, 23.03 acres of residential, 112.91 acres of agricultural land, 6.19 acres of forest, 0.25 acre of open water, 0.06 acre of wetlands, and 9.87 acres of temporary right-of-way acquisition involving commercial, residential, and agricultural land.

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

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

SECTION A - EARLY COORDINATION:

List the date(s) coordination was sent and all resource agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received.

An Early Coordination Letter (ECL) was originally sent for this project on April 14, 2020 (Appendix C, Pages 1-4). Then, as the project details developed, a second ECL was sent on March 19, 2021, in order to update the original recipients to the most current information (Appendix C, Pages 5-11). Courtesy copies of the ECL were sent to the FHWA, the INDOT Project Manager, and the INDOT-ESD. A list of the resource agencies contacted is provided below, along with their response date (if applicable).

In addition to Early Coordination, a Resource Agency meeting was held on April 23, 2021, to discuss the project and provide any explanations of impacts to community, natural, and/or cultural resources (Appendix C, pages 61-63) for summary of the meeting). The comment period after the meeting was kept open until May 7, 2021. No additional comments were provided to supplement those received from Early Coordination responses.

AGENCY	SENT DATE	RESPONSE DATE	APPENDIX C
Indiana Geological and Water Survey, Online Roadway Project Portal	April 22, 2021	April 22, 2021	Pages 38-44
U.S. Fish and Wildlife Service Northern Indiana Ecological Services Office (Chesterton)	April 14, 2020 and March 19, 2021	April 29, 2020	Pages 22-23
U.S. Fish and Wildlife Service Southern Indiana Ecological Services Office (Bloomington Field Office)	April 14, 2020 and March 19, 2021	April 15, 2020	Pages 18-21
USDA Natural Resources Conservation Service	April 14, 2020 and March 19, 2021	May 4, 2020 and April 9, 2021	Pages 26-30

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AGENCY	SENT DATE	RESPONSE DATE	APPENDIX C
INDOT, Office of Aviation	April 14, 2020 and March 19, 2021	April 16, 2020 and March 22, 2021	Pages 34-37
U.S. Dept. of Housing and Urban Development	April 14, 2020 and March 19, 2021	No Response	N/A
U.S. Environmental Protection Agency, Implementation Section	April 14, 2020 and March 19, 2021	April 15, 2020	Page 76
National Park Service	April 14, 2020 and March 19, 2021	No Response	N/A
U.S. Environmental Protection Agency, Groundwater Branch	April 14, 2020 and March 19, 2021	May 7, 2020 and March 19, 2021	Pages 24-25
Indiana Department of Natural Resources Division of Fish and Wildlife	April 14, 2020 and March 19, 2021	May 13, 2020 and April 22, 2021	Pages 12-16
Indiana Department of Natural Resources Division of Oil & Gas	April 22, 2021	April 23, 2021	Page 17
U.S. Army Corps of Engineers, Louisville District	April 14, 2020 and March 19, 2021	No Response	N/A
Indiana Department of Environmental Management, Groundwater Section	April 14, 2020 and March 19, 2021	No Response	N/A
Indiana Department of Environmental Management, Online Roadway Project Portal	April 27, 2021	April 27, 2021	Pages 38-44
Indianapolis Metropolitan Planning Organization	April 14, 2020 and March 19, 2021	No Response	N/A
Hamilton County Surveyor's Office	April 14, 2020 and March 19, 2021	No Response	N/A
Tipton County Surveyor's Office	April 14, 2020 and March 19, 2021	May 5, 2020	57 – 60
Town of Sharpville	April 14, 2020 and March 19, 2021	May 4, 2020	Pages 45-46
Hamilton County Highway Department	April 14, 2020 and March 19, 2021	No Response	N/A
Hamilton County Emergency Management	April 14, 2020 and March 19, 2021	No Response	N/A
Tipton County Highway Department	April 14, 2020 and March 19, 2021	May 5, 2020	Pages 57-60
Hamilton County Council	April 14, 2020 and March 19, 2021	No Response	N/A
Hamilton County Board of Commissioners	April 14, 2020 and March 19, 2021	No Response	N/A
Tipton County Council	April 14, 2020 and March 19, 2021	No Response	N/A
Tipton County Board of Commissioners	April 14, 2020 and March 19, 2021	May 11, 2020	Pages 49-51
Adams Township Trustee	April 14, 2020 and March 19, 2021	No Response	N/A
Hamilton County Health Department	April 14, 2020 and March 19, 2021	No Response	N/A
Jackson Township Trustee	April 14, 2020 and March 19, 2021	No Response	N/A
Westfield Washington Township Trustee	April 14, 2020 and March 19, 2021	No Response	N/A
Tipton County Health Department	April 14, 2020 and March 19, 2021	May 7, 2021	Pages 47-48

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AGENCY	SENT DATE	RESPONSE DATE	APPENDIX C
Cicero Township Trustee	April 14, 2020 and March 19, 2021	May 11, 2020	Pages 49-51
Hamilton County Sherriff's Office	April 14, 2020 and March 19, 2021	No Response	N/A
Jefferson Township Trustee	April 14, 2020 and March 19, 2021	May 11, 2020	Pages 49-51
Tipton County Sherriff's Office	April 14, 2020 and March 19, 2021	May 7, 2021	Pages 47-48
Liberty Township Trustee	April 14, 2020 and March 19, 2021	May 11, 2020	Pages 49-51
Jackson Township Fire Department	April 14, 2020 and March 19, 2021	No Response	N/A
Sheridan Fire Department	April 14, 2020 and March 19, 2021	No Response	N/A
Cicero Township Volunteer Fire Department	April 14, 2020 and March 19, 2021	May 7, 2021	Pages 47-48
Westfield-Washington Schools	April 14, 2020	No Response	N/A
Sheridan Community Schools	April 14, 2020	No Response	N/A
Hamilton Heights School Corporation	April 14, 2020	No Response	N/A
Tipton Community School Corporation	April 14, 2020	May 5, 2020	Pages 55-56
Tri-Central Community Schools	April 14, 2020	May 5, 2020	Pages 55-56
Kokomo-Howard County Governmental Coordinating Council	April 14, 2020	No Response	N/A

EPA Groundwater and Drinking Water Branch responded on May 7, 2020, and March 1, 2021 that the project is not located in the Sole Source Aquifer review area, so an EPA Sole Source Aquifer project review is not required (Appendix C, pages 24 - 25). EPA Implementation Section responded on April 15, 2020, that EPA will engage in other early coordination as the project moves in preparation of the EA document and they further recommended that this project be discussed within the larger context of INDOT's plan to eventually establish US 31 as a limited access roadway from Indianapolis to South Bend (Appendix C, page 76). INDOT Aviation responded on April 16, 2020, and March 22, 2021, that no issues with surrounding airspace or public-use airports were found (Appendix C, pages 34 - 37). The Town of Sharpsville, Tipton County Board of Commissioners, Schools of Tipton County, the Tipton County Highway Department, and members of the Tipton County business community responded requesting an interchange be placed at the US 31 and Division Road intersection. They did not provide any comments pertaining to the Hamilton County section of the project, which is the purview of this document (Appendix C, pages 45 – 60).

Other responses from Early Coordination pertaining to specific resources have been included in the subsequent sections of this document, as appropriate.

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SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

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

Presence

X

Impacts

Yes	No
X	

Total stream(s) in project area: 10,162 Linear feet Total impacted stream(s): 998 Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e., location, flow direction, likely "Water of the US", appendix reference)
Lindley Ditch	Intermittent	715	0	SR 38, Likely a "Water of the US", Appendix F, pg. 9
Raymond Briles Drain	Ephemeral	839	0	226 th Street, Unlikely a "Water of the US", Appendix F, pg. 9
UNT to Jones Ditch	Ephemeral	1,058	533	226 th Street, Unlikely a "Water of the US", Appendix F, pg. 9
Bennett Ditch	Intermittent	1,886	300	266 th Street, Likely a "Water of the US", Appendix F, pg. 8
UNT to Bennett Ditch	Ephemeral	702	0	266 th Street, Unlikely a "Water of the US", Appendix F, pg. 8
Little Cicero Creek (276 th)	Perennial	2,428	113	276 th Street, Likely a "Water of the US", Appendix F, pg. 57
UNT1 to Little Cicero Creek	Intermittent	2,100	52	276 th Street, Likely a "Water of the US", Appendix F, pg. 58
UNT2 to Little Cicero Creek	Intermittent	434	0	276 th Street, Likely a "Water of the US", Appendix F, pg. 58

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

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Based on a desktop review, site visits on July 15 – 16, 29, August 6-7, 19, 27, September 1-4, 10-11, 14, 16, October 27, and November 2, 2020 by RQAW and June 23-24 and September 22, 2020 by HNTB Corp., the aerial maps of the project area (Appendix B, pages 3 – 7), USGS quadrangle maps (Appendix B, page 2) and the water resources map in the Red Flag Investigation (RFI) report (Appendix E), there are 23 streams, rivers, watercourses, jurisdictional ditches located within the 0.5-mile search radius. There are eight (8) streams, rivers, watercourses, jurisdictional ditches present within or adjacent to the project area.

Two (2) *Waters of the U.S. Determination / Wetland Delineation Reports* were completed. The first report for the US 31 and 276th Street Interchange Project (Des No 1901797) was completed on January 8, 2021, and approved by INDOT Ecology and Waterway Permitting Office (EWPO) on January 13, 2021. The second report was completed for the remaining portions of the study area from SR 38 to US 931, including both Hamilton County and Tipton County on March 1, 2021, and approved by INDOT-EWPO on March 1, 2021. Please refer to Appendix F for excerpts of the *Waters of the U.S. Determination / Wetland Delineation Reports*. It was determined that eight (8) streams, rivers, watercourses, jurisdictional ditches occur within the project area. Of these, five (5) of these should be considered likely “Waters of the US” and three (3) should be considered unlikely “Waters of the US”. The U.S. Army Corps of Engineers (USACE) makes all final determinations regarding jurisdiction.

Lindley Ditch passes through the US 31 and SR 38 intersection. Approximately 715 linear feet of Lindley Ditch is located within the project area. Lindley Ditch is listed as impaired on the IDEM 303d List of Impaired Waterways ([Water Quality in Indiana: Home](#)) for *Escherichia coli* (*E. coli*). As a result, workers who are working in or near water with *E. coli* should take care to wear appropriate personal protective equipment (PPE), observe proper hygiene procedures, including regular handwashing, and limit personal exposure. No impacts to Lindley Ditch are anticipated and, as a result, no workers are expected to encounter water from Lindley Ditch.

Raymond Briles Ditch is located 0.14 mile south of the US 31/226th Street intersection. Approximately 839 linear feet is located within the project area. No impacts will occur to Raymond Briles Ditch because of this project.

UNT to Jones Ditch is located 0.36 mile south of the US 31/226th Street intersection. Approximately 1,058 linear feet is located within the project area. Approximately 533 linear feet of impacts will occur to UNT Jones Ditch because of relocation, grading, and riprap placement.

Bennett Ditch is in the southeast quadrant of the US 31/266th Street intersection. Approximately 1,886 linear feet is located within the project area. Approximately 300 linear feet of impacts will occur to Bennett Ditch because of stream relocation, grading, and riprap placement.

UNT to Bennett Ditch is in the northeast quadrant of the US 31/266th Street intersection. Approximately 702 linear feet is located within the project area. No impacts will occur to UNT to Bennett Ditch because of this project.

Little Cicero Creek is located 0.17 mile north of the US 31/276th Street intersection. Approximately 2,428 linear feet is located within the project area. Approximately 113 linear feet of impacts to Little Cicero Creek will result from stream encapsulation, construction of bridge piers, grading, and riprap placement.

UNT1 Little Cicero Creek is located 0.23 mile west of the US 31/276th Street intersection. Approximately 2,100 linear feet is located within the project area. Approximately 52 linear feet of impacts will occur to UNT1 to Little Cicero Creek because of encapsulation, grading, and placement of riprap.

UNT 2 Little Cicero Creek is located 0.09 mile north of the US 31/281st Street intersection. Approximately 434 linear feet is located within the project area. No impacts will occur to UNT 2 to Little Cicero Creek because of this project.

Due to impacts to stream resources, mitigation will likely be required and will be determined during permitting.

According to the database administered by the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service (USFWS), and the U.S. Forest Service, [Indiana \(rivers.gov\)](#) there are no streams in this area of Hamilton County that are on the lists of Wild, Scenic, or Recreational Rivers. In addition, according to the database administered by NPS [\[Nationwide Rivers Inventory - Rivers \(U.S. National Park Service\) \(nps.gov\)\]](#), there are no streams in this area of Hamilton County that are on the Nationwide Rivers Inventory which are free-flowing rivers that possess one or more “outstandingly remarkable” natural or cultural values judged to be more than of local or regional significance.

Early coordination letters were sent to the Indiana Department of Natural Resources Division of Fish and Wildlife (IDNR-DFW), USFWS, and USACE on April 14, 2020 and March 19, 2021. IDEM was contacted via their online roadway project portal on April 27, 2021.

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IDNR-DFW responded on May 13, 2020, and April 22, 2021, with recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources and recommendations to address potential impacts identified in the project area (Appendix C, pages 12 - 16). USFWS Northern Indiana Ecological Services Office (Chesterton) responded on April 29, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 22 - 23). USFWS Southern Indiana Ecological Services Office (Bloomington Field Office) responded on April 15, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 18 - 21). The USACE did not respond to the early coordination letter. The standard automatic response letter was generated from the IDEM online project forum (Appendix C, pages 38 - 44). No other comments from IDEM have been received.

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

Open Water Feature(s)	Presence	Impacts	
		Yes	No
Reservoirs			
Lakes			
Farm Ponds			
Retention/Detention Basin	X		X
Storm Water Management Facilities			
Other: _____			

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

Based on a desktop review, site visits on July 15 – 16, 29, August 6-7, 19, 27, September 1-4, 10-11, 14, 16, October 27, and November 2, 2020 by RQAW and June 23-24 and September 22, 2020 by HNTB Corp., the aerial maps of the project area (Appendix B, pages 3-7), USGS quadrangle maps (Appendix B, page 2) and the water resources map in the Red Flag Investigation (RFI) report (Appendix E), there are 14 open water features located within the 0.5-mile search radius. There are no open water features present within or adjacent to the project area.

Two (2) *Waters of the U.S. Determination / Wetland Delineation Report* were completed. The first one for the US 31 and 276th Street Intersection Project (Des. No. 1901797) on January 8, 2021, and approved by INDOT Ecology and Waterway Permitting Office (EWPO) on January 13, 2021. The second report was completed for the remaining areas of the study area from SR 38 to US 931, including both Hamilton County and Tipton County on March 1, 2021, and approved by INDOT-EWPO on March 1, 2021. Please refer to Appendix F for excerpts of the *Waters of the U.S. Determination / Wetland Delineation Reports*. It was determined that no open water features occur within the project area.

No other surface waters were identified within the project area. Therefore, no impacts are expected.

Early coordination letters were sent to IDNR-DFW, USFWS, and USACE on April 14, 2020 and March 19, 2021. IDEM was contacted via their online roadway project portal on April 27, 2021.

IDNR-DFW responded on May 13, 2020, and April 22, 2021, with recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources and recommendations to address potential impacts identified in the project area (Appendix C, pages 12 - 16). USFWS Northern Indiana Ecological Services Office (Chesterton) responded on April 29, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 22 - 23). USFWS Southern Indiana Ecological Services Office (Bloomington Field Office) responded on April 15, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 18 - 21). The USACE did not respond to the early coordination letter. The standard automatic response letter was generated from the IDEM online project forum (Appendix C, pages 38 - 44). No other comments from IDEM have been received.

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

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Wetlands

Presence

☒

Impacts

Yes

☒

No

☐

Total wetland area: 10.797 Acre(s) Total wetland area impacted: 0.269 Acre(s)

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

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e., location, likely Water of the US, appendix reference)
NAZ	PEM1	0.091	0.016	Non-State Regulated Isolated Wetland, Appendix F, pg. 17
NBB	PEM1	0.190	0.055	Non-State Regulated Isolated Wetland, Appendix F, pg. 17
SBL	PEM1	4.610	0.011	State Regulated Isolated Wetland, Appendix F, pg. 21
MF	PEM1	0.023	0.0001	Non-State Regulated Isolated Wetland, Appendix F, pg. 18
ME	PEM1	0.016	0.0001	Non-State Regulated Isolated Wetland, Appendix F, pg. 18
MD	PEM1	0.110	0.003	Non-State Regulated Isolated Wetland, Appendix F, pg. 18
B	PEM1	0.033	0.033	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
D	PEM1	0.034	0.034	Non-State Regulated Isolated Wetland, Appendix F, pg. 66
E	PEM1	0.010	0.010	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
F	PEM1	0.023	0.023	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
NAA	PEM1	0.020	0.020	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
NAE	PEM1	0.100	0.020	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
NAG	PEM1	0.007	0.007	Non-State Regulated Isolated Wetland, Appendix F, pg. 65
SAZ	PFO1/PEM1	2.83	0.004	State Regulated Isolated Wetland, Appendix F, pg. 20
SBA	PFO1/PEM1	1.54	0.020	State Regulated Isolated Wetland, Appendix F, pg. 20
NAM	PEM1	0.24	0.006	Non-State Regulated Isolated Wetland, Appendix F, pg. 16
SAV	PEM1	0.67	0.007	Non-State Regulated Isolated Wetland, Appendix F, pg. 20
NAI	PEM1	0.25	0.000	Non-State Regulated Isolated Wetland, Appendix F, pg. 16

Wetlands (Mark all that apply)

Wetland Determination

Wetland Delineation

USACE Isolated Waters Determination

Documentation

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ESD Approval Dates

01/13/2021 / 03/01/2021

01/13/2021 / 03/01/2021

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

Substantial adverse impacts to adjacent homes, business, or other improved properties;

Substantially increased project costs;

Unique engineering, traffic, maintenance, or safety problems;

Substantial adverse social, economic, or environmental impacts, or

The project not meeting the identified needs.

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Version: April 2021

Indiana Department of Transportation

County Hamilton

Route US 31

Des. No. 1900096, et. al

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

Based on a review of the National Wetlands Inventory (NWI) online mapper [[Wetlands Mapper \(fws.gov\)](https://www.fws.gov/wetlands/mapper)], site visits on July 15 – 16, 29, August 6-7, 19, 27, September 1-4, 10-11, 14, 16, October 27, and November 2, 2020 by RQAW and June 23-24 and September 22, 2020 by HNTB Corp., USGS quadrangle maps (Appendix B, page 2), and the RFI report (Appendix E), there are there are 6 NWI-points, 73 NWI-wetlands, and 16 NWI-lines located within the 0.5-mile search radius. There are 18 wetlands present within or immediately adjacent to the project area.

Two (2) *Waters of the U.S. Determination / Wetland Delineation Reports* were completed. The first one for the US 31 and 276th Street Intersection Project (Des. No. 1901797) on January 8, 2021, and approved by INDOT-EWPO on January 13, 2021. The second report was completed for the remaining portions of the study area from SR 38 to US 931, including both Hamilton County and Tipton County on March 1, 2021, and approved by INDOT-EWPO on March 1, 2021. Please refer to Appendix F for excerpts of the *Waters of the U.S. Determination / Wetland Delineation Reports*. It was determined that 53 delineated wetlands are located within the project area, in which two (2) are likely “waters of the US” and 51 are unlikely “waters of the US”. The USACE makes all final determinations regarding jurisdiction.

Due to the number of wetlands that were identified in the *Waters of the U.S. Determination / Wetland Delineation Reports*, it was prudent to discuss the wetlands expected to be affected by the project. For more general information pertaining to the “waters of the U.S.” that were identified during the study please see Appendix F.

Des. No. 1900096

Two (2) wetlands will require right-of-way taken from them for this segment of the project. Both are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
NAZ, exempt	0.091	710	710
NBB, exempt	0.190	2,379	2,379
TOTAL	0.281	3,089 (0.071 acre)	3,089 (0.071 acre)

Des. No. 1900097

Four (4) wetlands will be impacted by this segment of the project. MD, ME, and MF are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
SBL, emergent	4.610	500	500
MF, exempt	0.023	7	0
ME, exempt	0.016	7	0
MD, exempt	0.110	135	0
TOTAL	4.759	649 (0.015 acre)	500 (0.011 acre)

Des. No. 1901797

Seven (7) wetlands will require right-of-way taken from them for this segment of the project. All seven are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
B, exempt	0.033	1,438	1,438
D, exempt	0.034	1,482	1,482
E, exempt	0.010	436	436
F, exempt	0.023	1,002	1,002
NAA, exempt	0.020	872	872
NAE, exempt	0.100	872	872
NAG, exempt	0.007	305	305
TOTAL	0.227	6,407 (0.147 acre)	6,407 (0.147 acre)

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Des. No. 2002313

Five (5) wetlands will have right-of-way taken from them for this segment of the project. NAI and NAM are isolated, likely exempt Class 1 wetlands per 327 IAC 17-1-7.

Wetland	Total Area acre	Impact sq. ft.	Right-of-way sq. ft.
SAZ, emergent/forested	2.83	160	100
SBA, emergent/forested	1.54	850	530
NAM, exempt	0.24	250	250
SAV, emergent	0.67	325	70
NAI, exempt	0.25	0	1820
TOTAL	5.53	1,585 (0.036 acre)	2,770 (0.064 acre)

Other than the No Build Alternative, all practicable alternatives result in impacts to wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. Wetlands and portions of wetlands that are to be avoided will be marked as "Do Not Disturb" on design plans and temporary construction fencing will be installed to prevent impacts during construction. Alternatives that avoid all wetland impacts are not practicable since the wetlands are primarily within and adjacent to the existing intersection areas and the interchange and other intersection treatments will be constructed in their place.

Due to impacts to wetland resources, mitigation will likely be required and will be determined during permitting.

Early coordination letters were sent to IDNR-DFW, USFWS, and USACE on April 14, 2020 and March 19, 2021. IDEM was contacted via their online roadway project portal on April 27, 2021.

IDNR-DFW responded on May 13, 2020, and April 22, 2021, with recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources and recommendations to address potential impacts identified in the project area (Appendix C, pages 12 - 16). USFWS Northern Indiana Ecological Services Office (Chesterton) responded on April 29, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 22-23). USFWS Southern Indiana Ecological Services Office (Bloomington Field Office) responded on April 15, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 18-21). The USACE did not respond to the early coordination letter. The standard automatic response letter was generated from the IDEM online project forum (Appendix C, pages 38 - 44). No other comments from IDEM have been received.

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

Indiana Department of Transportation

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Route US 31

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Terrestrial Habitat

Presence

☒ X

Impacts

Yes

No

☒ X

☐

Total terrestrial habitat in project area: 181.29 Acre(s) Total tree clearing: 5.54 Acre(s)

Describe types of terrestrial habitat (i.e., forested, grassland, farmland, lawn, etc.) adjacent or within the project area. Include whether impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, a site visit on March 18, 2020, by Butler, Fairman and Seufert Inc. (BF&S), the aerial maps of the project area (Appendix B, pages 3-7), there are two (2) types of terrestrial habitats: grassland/agricultural land and forest.

The land use in the area is mostly rural mixed with residential properties and approximately fifteen (15) commercial properties. Approximately 64.81 acres of non-forested terrestrial land will be impacted from the conversion of at-grade intersections into cul-de-sacs, overpasses, and interchanges, and the installation of cable barriers within the US 31 median. Of this total, approximately 56.75 acres consists of farmland/grassland, and approximately 8.06 acres consists of mowed roadside, commercial and residential lawn areas. A total of 5.54 acres of trees will be removed for the project. 2.32 acres will be removed within 100 feet of the roadway, 0.26 acres will be removed 100-300 feet from the roadway, and 2.96 acres will be removed 300 feet or greater from the roadway.

Tree Clearing Distance from Roadway	Impact (acre)
0 – 100 feet	0.97
100 – 300 feet	0.20
Greater than 300 feet	2.96
TOTAL	4.13

Des. No. 1900097

Tree Clearing Distance from Roadway	Impact (acre)
0 – 100 feet	0.06
100 – 300 feet	0.0
TOTAL	0.06

Des. No. 1901797

Tree Clearing Distance from Roadway	Impact (acre)
0 – 100 feet	1.12
100 – 300 feet	0.06
TOTAL	1.18

Des. No. 2002313

Tree Clearing Distance from Roadway	Impact (acre)
0 – 100 feet	0.17
100 – 300 feet	0.0
TOTAL	0.17

Early coordination letters were sent to IDNR-DFW, the USFWS, and USACE on April 14, 2020 and March 19, 2021. IDEM was contacted via their online roadway project portal on April 21, 2021.

IDNR-DFW responded on May 13, 2020, and April 22, 2021, with recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources and recommendations to address potential impacts identified in the project area (Appendix C, pages 12 - 16). USFWS Northern Indiana Ecological Services Office (Chesterton) responded on April 29, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 22-23). USFWS Southern Indiana Ecological Services Office (Bloomington Field Office) responded on April 15, 2020, with standard recommendations to avoid or minimize impacts to fish, wildlife, and wildlife habitat, including streams (Appendix C, pages 18-21). The USACE did not respond to the early coordination letter. The standard automatic response letter was generated from the IDEM online project forum (Appendix C, pages 38 - 44). No other comments from IDEM have been received.

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

Protected Species

Federally Listed Bats

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

Yes

No

X

X
X

Determination Received for Listed Bats from USFWS:

NE ☐

NLAA ☒

LAA ☐

Other Species not included in IPaC

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

Yes

No

X

X

Migratory Birds

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

Yes

No

X

X

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

Based on a desktop review and the RFI (Appendix E), completed by BF&S on March 18, 2020, the IDNR Hamilton County Endangered, Threatened and Rare (ETR) Species List has been checked and is included in (Appendix E, pages 47 – 49). The highlighted species on the list reflect the federal and state identified ETR species located within the county. According to the IDNR-DFW early coordination response letters dated May 13, 2020, and April 22, 2021 (Appendix C, page 12 - 16), the Natural Heritage Program's Database has been checked and the little spectaclecase mussel (*Villosa lienosa*), a state species of special concern has been documented in Prairie Creek within 0.5 mile of the project area. However, DNR does not foresee any impacts to the little spectaclecase mussel because of this project. There are no proposed impacts to Prairie Creek as a result of this project.

Indiana Bat and Northern Long-Eared Bat

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix C, pages 64 - 69). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). No additional species were found within or adjacent to the project area other than the Indiana bat and northern long-eared bat.

Based on the removal of habitat outside of 300 feet from existing road surfaces without a valid Presence/Probable Absence survey indicating that bats are not present, this project does not qualify for the Range-wide Programmatic Informal Consultation for the Indiana bat and NLEB. Structure assessments were completed on February 3, 2021, and March 24, 2021, and no bats and no evidence of bats were observed during those inspections (Appendix J, pages 7 - 8). On March 25, 2021, INDOT determined that informal coordination with USFWS would occur, and on June 3, 2021, standard informal consultation with USFWS was initiated. On June 9, 2021, the USFWS concurred that the project is not likely to adversely affect the Indiana bat or the NLEB, based on the proposed avoidance and minimization measures (AMMs) (Appendix C, pages 70 - 75). In general, the AMMs include the assurance that all contractors working in the presumed bat habitat areas are aware of the AMMs. That any temporary lighting be directed away from suitable habitat during the active season, that any tree removal is limited to the appropriate time of year restriction of November 15 through March 30, and that prior to any demolitions, that all structures will be inspected for bats or evidence of bats. If bats, or evidence of bats are found coordination with INDOT ESD and USFWS will occur before demolition starts.

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Migratory Birds

Structures (31-29-04572B SBL/009660 and 31-29-04572B NBL/ 009650) have shown evidence of use (i.e., nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA) during the (September 22, 2020) inspection. Avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the "Potential Migratory Bird on Structure" Unique Special Provision (USP). This firm commitment is included in the Environmental Commitments of this document.

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

Geological and Mineral Resources

Project located within the Potential Karst Features Area of Indiana
Karst features identified within or adjacent to the project area
Oil/gas or exploration/abandoned wells identified in the project area

Yes

X

No

X
X

Date Karst Study/Report reviewed by INDOT EWPO (if applicable): N/A

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

Based on a desktop review, the project is located outside the designated karst region of Indiana as outlined in the October 13, 1993 Memorandum of Understanding (MOU). According to the quadrangle map of the project area (Appendix B, page 2), the RFI report (Appendix E), there are no karst features identified within or adjacent to the project area. In the early coordination response, the Indiana Geological and Water Survey (IGWS) did not indicate that karst features exist in the project area (Appendix C, pages 31 – 33). In their report, IGWS did not provide any comments concerning karst. Related to potential geological hazards the area has moderate liquefaction potential and is in the 1% risk floodplain. Pertaining to mineral resources, they mentioned that there is high potential for bedrock and low potential for sand and gravel resources. Further, there are documented abandoned mineral extraction sites and petroleum exploration wells in the area. As a result, coordination with IDNR Division of Oil and Gas was completed on April 22, 2021. IDNR Oil and Gas responded on April 23, 2021, stating that there are five (5) sites drilled for oil and gas purposes within the project area and they are found between SR 38 and 226th Street (see Appendix E, page 35). They do not believe any of these wells exist at the surface. No impacts are expected. However, if a steel casing or void hole is encountered during construction, around the known wells, contact IDNR Division of Oil and Gas immediately so they can assess the well and determine next steps.

Response from IGWS has been communicated with the designer on April 22, 2021. No impacts are expected.

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SECTION C – OTHER RESOURCES

Drinking Water Resources

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

Presence

X

Impacts

Yes	No
	X

Is the project located in the St. Joseph Sole Source Aquifer (SSA)?

If Yes, is the FHWA/EPA SSA MOU Applicable?

If Yes, is a Groundwater Assessment Required?

Yes	No
	X

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

Sole Source Aquifer (SSA)

The project is in Hamilton County, which is not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project. EPA Groundwater and Drinking Water Branch responded to Early Coordination on May 7, 2020, and March 1, 2021, that the project is not located in the Sole Source Aquifer review area, so an EPA Sole Source Aquifer project review is not required (Appendix C, pages 24 - 25). Therefore, a detailed groundwater assessment is not needed, and no impacts are expected.

Wellhead Protection Area or Source Water Area

IDEM's Wellhead Proximity Determinator website ([Water Quality in Indiana: Home](#)) was accessed by BF&S on April 20, 2021 by BF&S. This project is not located within a Wellhead Protection Area or Source Water Area. No impacts are expected.

Water Wells

The Indiana Department of Natural Resources Water Well Record Database website [[DNR: Water Well Record Database \(in.gov\)](#)] was accessed on April 20, 2021, by BF&S. There are approximately 29 mapped wells is located along the US 31 corridor from SR 38 to 286th Street. These features will not be affected because they are outside of the construction limits for the project. Therefore, no impacts are expected. Should it be determined during the right-of-way phase that any wells are affected, a cost to cure will likely be included in the appraisal to restore the wells.

Urban Area Boundary

Based on a desktop review of the INDOT MS4 website ([INDOT MS4](#)) by BF&S on April 20, 2021, and the RFI report; this project is not located within an Urban Area Boundary (UAB) location. No impacts are expected.

Public Water System

Based on a desktop review, a site visit on June 4, 2020 by BF&S, and the aerial maps of the project area (Appendix B, page 3-7) this project is located where there is a public water system. The public water system will not be affected because all the water mains are located outside of the construction limits for the project. At this time, no disruption to any water service is expected to occur from this project.

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Floodplains

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

Presence

X
X
X

Impacts

Yes	No
X	
X	
	X

If applicable, indicate the Floodplain Level?

Level 1 ☐ Level 2 ☐ Level 3 ☐ Level 4 ☐ Level 5 ☒

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

Based on a desktop review of the IDNR Indiana Floodway Information Portal website ([Indiana Floodplain Information Portal](#)) by BF&S on June 16, 2020, and the RFI report; this project does pass through one regulatory floodplains as determined from approved IDNR floodplain maps (Appendix F, pages 70 - 72). An early coordination letter was sent on April 14, 2020, and again on March 19, 2021, to the local Floodplain Administrator. The floodplain administrator did not respond within the 30-day time frame. The IDNR Division of Water indicated in their letter dated May 13, 2020, that formal approval for construction in a floodway under the Flood Control Act, IC 14-28-1 will be required (Appendix C, pages 12 - 16).

The project qualifies as a Category 5 for the Little Cicero Creek floodplain at the proposed bridges carrying 276th Street on/off ramps over the creek, however, there will be no substantial impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evaluation routes; therefore, it has been determined that this encroachment is not substantial.

Mitigation for unavoidable impacts to wetlands, streams, and forested areas within the floodway of Little Cicero Creek will be completed as part of the CIF permit to meet the requirements of compensatory mitigation for impacts located within the floodway of Little Cicero Creek as part of this project (Appendix B, page 48).

Farmland

Agricultural Lands
Prime Farmland (per NRCS)

Presence

X
X

Impacts

Yes	No
X	
X	

Total Points (from Section VII of CPA-106/AD-1006*)	140	216 th St.
	141	226 th St.
	140	246 th St.
	149	256 th St.
	149	166 th St.
	127	276 th St.
	129	181 st St.

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

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

Based on a desktop review, a site visit on March 18, 2020, by BF&S, the aerial maps of the project area (Appendix B, pages 3-7), the project will convert 64.81 acres of farmland as defined by the Farmland Protection Policy Act. An early coordination letter was sent on April 14, 2020, and again on March 19, 2021, to Natural Resources Conservation Services (NRCS). Coordination with NRCS resulted in a scores of 140 (216th Street cul-de-sacs), 141 (226th Street overpass), 140 (246th Street cul-de-sac), 149 (256th Street cul-de-sacs), 149 (266th Street overpass), 127 (276th Street interchange), and 129 (281st Street cul-de-sac) on the NRCS-CPA-106 Forms (Appendix C, pages 28-29). NRCS decided to score each intersection separately in order to better characterize the impacts to prime farmland.

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NRCS's threshold score for significant impacts to farmland that result in the consideration of alternatives is 160. Since this project score is less than the threshold, no significant loss of prime, unique, statewide, or local important farmland will result from this project. No alternatives other than those previously discussed in this document will be investigated without reevaluating impacts to prime farmland.

SECTION D – CULTURAL RESOURCES

Minor Projects PA Category(ies) and Type(s) INDOT Approval Date(s) N/A
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Full 106 Effect Finding

No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect ☒

Eligible and/or Listed Resources Present

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

Documentation Prepared (mark all that apply)

APE, Eligibility and Effect Determination
 800.11 Documentation
 Historic Properties Report or Short Report
 Archaeological Records Check and Assessment
 Archaeological Phase Ia Survey Report
 Archaeological Phase Ic Survey Report
 Other:

☒
☒
☒
☐
☒
☐
☐

ESD Approval Date(s)

March 29, 2020
 March 29, 2020
 July 9, 2020
 October 19, 2020 and
 November 2, 2020

SHPO Approval Date(s)

April 26, 2021
 April 26, 2021
 August 10, 2020
 November 30, 2020

Memorandum of Agreement (MOA)

☒

MOA Signature Dates (List all signatories)

May 4, 2021- INDOT
 May 13, 2021- SHPO
 May 18, 2021- FHWA

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

Area of Potential Effect (APE):

The Area of Potential Effects (APE) is the area in which the proposed project may cause alterations in the character or use of historic resources. The APE includes the existing and proposed right-of-way, immediately adjacent properties, and those areas where a visual differentiation may occur between an existing structure and the project area. The APE is an irregular corridor along US 31, including the existing and proposed right-of-way, immediately adjacent properties, and those areas where a visual differentiation may occur between an existing structure and the project area, also accounting for properties which have the potential to lose direct access to the US 31 corridor (Appendix D, page 17).

Coordination with Consulting Parties:

The Indiana State Historic Preservation Officer (SHPO) is considered an automatic consulting party. In addition, the following individuals and organizations were sent an early coordination letter and invited to be Section 106 consulting parties on March 13, 2020 (Appendix D, pages 18 - 24):

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Consulting Party	Response
Indiana Landmarks Central Regional Office	March 19, 2020
Hamilton County Historian	None
Hamilton County Historical Society	None
Indianapolis Metropolitan Planning Organization	None
Hamilton County Highway Department	None
Hamilton County Engineer	None
Hamilton County Board of Commissioners	None
Northern Hamilton County Chamber of Commerce	None
Westfield Preservation Alliance	None
Westfield-Washington Historical Society	None
Roberts Settlement	March 17, 2020
Kelley Agricultural Historical Museum	March 27, 2020
Tipton County Historical Society	None
Tipton County Public Library- Indiana Room	None
Tipton County Commissioners	None
Tipton County Highway Department	None
Lightfoot Brothers Farm Services	April 16, 2020
Cicero Township Trustee	None
Delaware Nation of Oklahoma	December 8, 2020
Delaware Tribe of Indians, Oklahoma	None
Forest County Potawatomi Community	March 30, 2020
Eastern Shawnee Tribe of Oklahoma	None
Miami Tribe of Oklahoma	April 8, 2020
Peoria Tribe of Indians of Oklahoma	None
Pokagon Band of Potawatomi Indians	None

Roberts Settlement responded by email on March 17, 2020, and requested to continue receiving project information (Appendix D, page 25).

Indiana Landmarks responded on March 19, 2020, and agreed to be a consulting party. Indiana Landmarks expressed concern that substantial adverse effects to historic properties could occur (Appendix D, page 26).

The Kelley Agricultural Historical Museum responded on March 27, 2020 (Appendix D, pages 27-30). The Museum conveyed concerns over a variety of issues, including impacts to businesses and farmers, county roads, air quality and animal habitats, and population loss. Regarding historic properties, the Museum stated there are six historic buildings on the property open for tours and educational activities. The Museum is also used for private events such as weddings, parties, meetings, and retreats. Therefore, the Museum anticipated negative effects to the property from the loss of direct access to US 31 from CR 550 North.

The Forest County Potawatomi Community responded by email on March 30, 2020, and requested to receive the project's archaeological reports (Appendix D, page 31).

The Miami Tribe of Oklahoma responded on April 8, 2020, indicating they wished to be a consulting party. The letter stated they had no objections to the proposed project but noted the project area is within the aboriginal homelands of the Miami Tribe (Appendix D, page 32).

The SHPO responded on April 13, 2020, stating they were not aware of any other parties who should be invited to consulting party consultation, but if right-of-way acquisition was proposed from historic properties those owners should be contacted (DHPA #25247; Appendix D, pages 33-34).

The Lightfoot Brothers Farm Services responded by email on April 16, 2020, and requested consulting party status (Appendix D, page 35).

No other responses to the March 13, 2020 early coordination letter were received.

Archaeology:

A Phase Ia archaeological reconnaissance covering the proposed right-of-way for 21 areas which will be utilized for interchanges, overpasses, or cul-de-sacs (Des. Nos. 1900096 and 1900097) was conducted by NS Services between May 12 and August 7, 2020

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(Appendix D, pages 67-69). A Phase Ia archaeological reconnaissance for the 276th Street Interchange project area (Des. No. 1901797) was conducted by Cultural Resource Analysts, Inc. from July 6-July 15, 2020 (Appendix D, pages 63-66). The investigations identified a total of 28 sites within the project area. As a result of these efforts, sites 12-H-1742, 12-Ti-268, 12-Ti-271, 12-H-1881, 12-H-1882, and 12-H-1883 were recommended potentially eligible for listing in the NRHP and if the sites can be avoided, no further work was recommended. Full NRHP evaluations were recommended if avoidance of a site is not possible.

The archaeological reports were approved by the Cultural Resources Department (CRO) on October 19, 2020, and November 2, 2020. The archaeological reports were sent to consulting parties (Tribes only) on November 2, 2020 (Appendix D, pages 70-75).

The SHPO concurred with the archaeology reports on November 30, 2020, stating in part: *"Further, we concur with the opinion of the archaeologist, that archaeological sites 12H1881, 12H1882, 12H1883, 12Ti268 and 12Ti271 appear to be potentially eligible for inclusion in the NRHP and must either be avoided or subjected to further archaeological investigations. [...] Lastly, we concur with the opinion of the archaeologist, that archaeological site 12H1742 appears to be potentially eligible for inclusion in the NRHP and must either be avoided or subjected to further archaeological investigations."* The SHPO also requested several data revisions and further stated they looked forward to receiving further information about unsurveyed areas (Appendix D, pages 88-90). All unsurveyed areas will undergo archaeological investigation prior to the start of construction on the corresponding intersection following stipulations specified in the Memorandum of Agreement (MOA, Appendix D, pages 100-110).

In a letter dated December 8, 2020, the Delaware Nation stated they were not aware of the presence of any cultural or religious sites, but the project area was occupied by the Lenape people and there is a potential for the existence of unknown sites (Appendix D, page 93).

No other responses to the archaeological reports were received.

In addition, an addendum archaeological report for the proposed interchange at US 31 and 276th Street (Des. No. 1901707) was prepared to cover additional areas. An archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified no sites within the addendum survey area. As a result, no additional sites were recommended for listing in the NRHP, and no further work was recommended in the area examined (Appendix D, pages 96-97). This addendum report was approved by the INDOT-CRO on March 22, 2021 and distributed to consulting parties for review concurrently with the finding on March 30, 2021 (Appendix D, pages 98-99).

Historic Properties:

Site visits were conducted by an Indiana Division of Historic Preservation and Archaeology (DHPA)-qualified professional with BF&S on December 20, 2019, January 12, 2020, and March 5, 2020. Information from the site visit and research regarding historic resources was compiled into a Historic Property Report (HPR, BF&S, June 22, 2020, Appendix D, pages 36-38) which covered the project area as originally scoped, from SR 38 to SR 931. Historic properties may consist of historic buildings, structures, districts, objects, or archaeological resources. The HPR concluded there were six above-ground properties within the APE from SR 38 to SR 931:

Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street)
Kelley Agricultural Historical Museum (6032 West CR 550 North)
IHSSI #159-309-20021/Hopewell Methodist Church (US 31 and CR 100 North)
IHSSI #159-309-10038 (6401 W. CR 450 North)
John D. and Phoebe Smith House/IHSSI #159-309-15074 (6824 W. CR 350 South)
Endicott House/IHSSI #159-587-15097 (6136 CR 600 South)

The INDOT-CRO approved the HPR on July 9, 2020. The HPR was distributed to SHPO and consulting parties on July 9, 2020 (Appendix D, pages 39-43).

Indiana Landmarks responded to the HPR on July 16, 2020, and concurred with the eligibility of the six properties newly determined eligible for the NRHP (Appendix D, page 44).

The SHPO responded to the HPR in a letter dated August 10, 2020 (Appendix D, pages 45-46) and made the following comments:

- *Regarding the Hansel Roberts Farm (IHSSI #057-020-05027): "We agree that this property is eligible for inclusion in the NRHP under Criterion A as well as Criterion C [...]"*
- *Regarding the Kelley Agricultural Historical Museum (IHSSI #159-323-11001 to 11005): "We believe that only the Craftsman house and original farm buildings are eligible for inclusion in the NRHP under Criterion A & C. The moved buildings are not eligible and*
- *would be non-contributing to the historic property boundary."*

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- *Regarding the Goldsmith Methodist Church (IHSSI #159-390-15074): "We respectfully disagree with the conclusions of the HPR and believe that this church has enough architectural merit to be eligible for inclusion in the NRHP under Criterion C."*

The SHPO concurred with all other eligibility determinations for properties evaluated in-depth in the HPR. INDOT elected to defer to the SHPO's determinations. Therefore, based on the SHPO's comments, the Hansel Roberts Farm is considered NRHP-eligible under Criteria A and C and the Goldsmith Methodist Church is considered NRHP eligible under Criterion C. In addition, the proposed NRHP boundary for the Kelley House was revised to exclude noncontributing resources.

No other responses to the HPR were received.

Documentation Findings:

The effects letter was approved by INDOT-CRO on October 19, 2020. The effects letter was sent to consulting parties on October 27, 2020 (Appendix D, pages 47-62). The letter recommended the project had the following effect findings for above-ground properties:

Roberts Chapel and Cemetery (IHSSI #057-020-05026): "No Adverse Effect"
Hansel Roberts Farm (IHSSI #057-020-05027): "No Adverse Effect"
Kelley House (IHSSI #159-323-11005): "No Adverse Effect"
Hopewell Methodist Church (IHSSI #159-309-20021): "No Adverse Effect"
Western Bungalow/IHSSI #159-309-10038 (6401 W. CR 450 North): "No Adverse Effect"
John D. and Phoebe Smith House (IHSSI #159-309-15074): "No Adverse Effect"
Endicott House (IHSSI #159-587-15097): "Adverse Effect"
Goldsmith Methodist Church (IHSSI #159-390-15074): "No Adverse Effect"
Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): "No Historic Properties Affected"
S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): "No Historic Properties Affected"

A consulting parties meeting was held on November 13, 2020, primarily to discuss effects to the Kelley House, Hopewell Methodist Church, and the Endicott House (Appendix D, pages 76-80). The Kelley Agricultural Historical Museum continued to object to the property's loss of direct access to US 31. The Museum discussed concerns over the Museum's visibility and the ability of museum visitors and event guests to reach the venue using county roads. Several alternative options for accommodating some continued access from US 31 to CR 550 North were discussed, including a right-in-right-out option and the use of a folded diamond interchange. As a result of the consulting parties meeting, BF&S studied alternate access options for CR 550 North and produced additional layouts.

The Kelley Agricultural Historical Museum provided additional comments on November 19, 2020, listing the events held at the Museum since 2017 (Appendix D, pages 81-87). The Museum reiterated that the loss of direct access from US 31 would reduce visitors to the museum and event bookings at the venue due to difficulties in navigating local roads.

The SHPO responded to the Effects Letter and consulting party meeting on November 30, 2020, stating the project will not adversely affect the following properties:

Roberts Chapel and Cemetery (NR-0882/1309)
Hansel Roberts Farm (IHSSI #057-020-05027)
Hopewell Methodist Church (IHSSI #159-309-20021)
Western Bungalow at 6401 W. CR 450 North (IHSSI #159-309-10038)
John D. and Phoebe Smith House (IHSSI #159-309-15074)
Goldsmith Methodist Church (IHSSI #159-309-18016)
Baker/Johnson/Pickett Farmstead at 1715 E. 236th Street
S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003)

The letter also stated the overpass option would have an "Adverse Effect" on the Endicott House and the bypass option would likely reduce the property's agricultural setting and feeling. The SHPO did not comment on the Kelley House pending further information (Appendix D, pages 88-90).

No other responses to the Effects Letter were received.

FHWA signed a determination of "Adverse Effect" for this Section 106 undertaking with its original project limits on January 27, 2021. The "Adverse Effect" finding, and a draft MOA were transmitted to consulting parties on the same day. The finding stated Archaeology Sites 12-Ti-268, 12-Ti-271, 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 will be avoided by all project activities. If a site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP following stipulations in the MOA.

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An email notification of forthcoming changes to the project scope and a request to suspend review of the finding and draft MOA was sent to consulting parties on February 12, 2021, and February 15, 2021 (Appendix D, pages 94-95).

As a result of the reduced project scope, the APE was revised to have a northern border approximately 0.25 mile north of 286th Street, the northern project terminus. Therefore, following the revisions to the project scope, the following NRHP-listed and eligible properties remain within the APE:

1. Roberts Chapel and Cemetery (NR-0882/NR-1309)
2. Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street)
3. S. Lindley Farm/Thomas Joseph Lindley Farm/IHSSI# 057-667-20003
4. Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street)
5. Archaeology Site 12-H-1742
6. Archaeology Site 12-H-1881
7. Archaeology Site 12-H-1882
8. Archaeology Site 12-H-1883

The finding and MOA were revised to reflect the removal of these properties from the APE. INDOT-CRO approved the 800.11 finding and draft MOA on March 29, 2021. The FHWA signed the revised 800.11(e) finding of "Adverse Effect" on March 29, 2021. The FHWA-approved finding was forwarded to the SHPO and consulting parties on March 30, 2021 (Appendix D, pages 98-99).

The SHPO responded on April 26, 2021, concurring with the effect findings for the NRHP-listed and eligible properties. The SHPO also requested changes to the MOA, stating, in part, "*We would recommend that sites 12H1879 and 12H1880 be added to Stipulation II.D.ii. Additionally, it should be clarified that sites 12H1879 and 12H1891 reflect the same historical era site,*" (Appendix D, pages 112-114). INDOT elected to accept the SHPO's recommendations. The revised MOA was approved by INDOT CRO and signed by INDOT on May 4, 2021.

The revised MOA was sent to SHPO and consulting parties on May 5, 2021 (Appendix D, pages 115-116). The SHPO concurred and signed the MOA on May 13, 2021 (Appendix D, page 115). No other responses to the MOA were received. The FHWA signed the MOA on May 18, 2021 (Appendix D, page 108).

Public Involvement:

A public notice regarding the "Adverse Effect" finding was published in *The Times* (serving Hamilton County) on April 21, 2021 (Appendix D, page 111). No comments were received by the established 30-day deadline date of May 21, 2021. Therefore, the Section 106 process has been completed and the FHWA's Section 106 responsibilities have been fulfilled.

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

	<u>Presence</u>	<u>Use</u>	
		Yes	No
Parks and Other Recreational Land			
Publicly owned park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties			
Site eligible and/or listed on the NRHP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Evaluations</u>			
	<u>Prepared</u>		
Programmatic Section 4(f)	<input type="checkbox"/>		
"De minimis" Impact	<input type="checkbox"/>		
Individual Section 4(f)	<input type="checkbox"/>		
Any exception included in 23 CFR 774.13	<input type="checkbox"/>		

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

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial maps of the project area (Appendix B, pages 3-7), and the RFI report (Appendix E), there is one (1) potential recreational site (McGregor Park) and eight (8) NRHP-listed and eligible sites that qualify as 4(f) resources located within the 0.5-mile search radius. Macgregor Park is in the northeast quadrant of the US 31 / SR 38 interchange. The project will not use these resources by taking permanent right-of-way and will not indirectly use the resource in such a way that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Therefore, no 4(f) use is expected.

Roberts Chapel and Cemetery (NR-0882/NR-1309) is listed on the NRHP. The Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street), the S. Lindley Farm/Thomas Joseph Lindley Farm/IHSSI# 057-667-20003, and the Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street) are eligible for listing in the NRHP. The project will alter the settings of the properties but will cause no physical impacts. The project will not use these resources by taking permanent right-of-way and will not indirectly use the resources in such a way that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Therefore, no 4(f) use is expected.

Archaeology sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883, which are potentially eligible for the NRHP, were identified near the project area. As a result of the Section 106 process (see previous section), it is anticipated these archaeological sites will be avoided by the project. An MOA signed by FHWA on May 18, 2021, provided stipulations for further actions if any archeological sites cannot be avoided (Appendix D, pages 100-110). Furthermore, per the FHWA's Section 4(f) Policy Paper, Section 4(f) applies only to archeological sites that are on or eligible for the NRHP and that warrant preservation in place. Since the archaeological properties would require further investigation to fully determine their eligibility and significance, they may qualify as Section 4(f) properties. However, because avoidance of the properties is expected, no impacts are anticipated. If avoidance is not feasible, the FHWA will submit a plan for further archaeological investigations to the SHPO (the Official with Jurisdiction) for review and comment. If the FHWA

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determines that an adverse effect cannot be avoided or minimized, then FHWA will develop and implement a Treatment Plan(s) as part of the above consultation, to mitigate the adverse effects to an archeological resource on a site-by-site basis.

Section 6(f) Involvement

Presence

Use

Yes

No

Section 6(f) Property

☐
☐
☐

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

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the INDOT ESD website ([INDOT: Environmental Policy](#)) revealed a total of nine (nine) properties in Hamilton County (Appendix J, page 9). None of these properties are located within the project area. Therefore, there will be no impacts to 6(f) resources.

SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project

Is the project in the most current STIP/TIP?

Yes

No

☒
☐

Is the project located in an MPO Area?

☒
☐

Is the project in an air quality non-attainment or maintenance area?

☒
☐

If Yes, then:

Is the project in the most current MPO TIP?

☒
☐

Is the project exempt from conformity?

☐
☒

If No, then:

Is the project in the Transportation Plan (TP)?

☒
☐

Is a hot spot analysis required (CO/PM)?

☐
☒

Location in STIP:

2020-2024 STIP; pgs. 210, 215 and 218

Name of MPO (if applicable):

Indianapolis Metropolitan Planning Organization

Location in TIP (if applicable):

Metropolitan Indianapolis Transportation Improvement Program (MiTIP) Interactive Portal

Level of MSAT Analysis required?

Level 1a

☐

Level 1b

☒

Level 2

☐

Level 3

☐

Level 4

☐

Level 5

☐

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

STIP/TIP

This project is included in the Fiscal Year (FY) 2020 – 2024 Indianapolis Metropolitan Planning Organization (IMPO) Transportation

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Improvement Program (TIP) and INDOT Statewide Transportation Improvement Program (STIP) (Appendix H, pages 1 – 3).

Des. Nos. 1900096 (lead), 1901797, and 1700934 are included in the 2020-2024 STIP. Des. No. 1900096 is the only project included in the 2020-2024 IMPO TIP.

Attainment Status

This project is in Hamilton County, which is currently a maintenance area for Ozone according to the EPA's [Nonattainment Areas for Criteria Pollutants \(Green Book\) | US EPA](#) website. Under the 1997 Ozone 8-hour standard which was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018 South Coast Air Quality Management District V. EPA, Et. Al. Decision. The project's design concept and scope conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR Part 93 are met.

MSAT

The purpose of this project is to increase safety along US 31 corridor from SR 38 to 286th Street, by removing all at-grade intersections, driveways, and median crossovers. These improvements will also improve the efficiency of the traffic movement along the roadway, removing idling at turn lanes and crossover medians. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that will cause a meaningful increase in MSAT impacts of the project from that of the do-nothing alternative.

Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOVES model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

SECTION G - NOISE

Noise

Yes No

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

☒

☐

Date Noise Analysis was approved/technically sufficient by INDOT ESD: May 25, 2021 and July 12, 2021

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

The project is a Type 1 project which involves the physical alteration of 226th Street, 266th Street, and 276th Street crossings of US 31 causing substantial vertical alteration, removing shielding, and exposing the line-of-sight between those intersections and surrounding receptors, and construction of local access roads on new alignment.

CMT prepared a noise analysis according to the INDOT Traffic Noise Policy and FHWA regulations (Appendix I, pages 1 - 58) for the 276th Street Interchange portion of the project. The noise analysis identified four (4) single-family residential receptors. Existing noise levels ranged from 51.4 to 59.0 dB(A) and projected 2043 Build Scenario noise levels ranged from 51.3 to 59.3 dB(A), with increases no greater than 0.3 dB(A) to any receptor. Traffic noise impacts are not predicted for any receptor and, therefore, no noise abatement measures were evaluated. INDOT ESD approved this traffic noise analysis report on May 25, 2021 (Appendix I, page 59).

Metric Environmental prepared a noise analysis according to the INDOT Traffic Noise Policy and FHWA regulations (Appendix I, pages 60 - 163) for the remaining sections of the US 31 project. Seventy-three (73) noise sensitive receptors were identified in the project area, all of which are Category B or C receptors. Twenty-two (22) non-noise sensitive commercial/industrial receptors (Category F) were also identified along the project corridor.

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The results of this noise analysis show that predicted noise levels did not have a substantial increase of at least 15 dBA at any of the receptors. However, seventeen (17) Category B residential receptors and one (1) Category C receptor within the project study area will be impacted in the Future Build condition based on exceedance of the 66 dBA NAC; therefore, noise abatement measures were investigated.

Engineering feasibility restrictions, such as the impact of multiple long access drives off US 31 on safety and line of sight considerations, adversely impacted the ability to install abatement measures that can effectively provide noise abatement to the impacted receptors. Therefore, abatement measures for the impacted receptors within the project area were found to be not feasible. INDOT ESD approved this traffic noise analysis report on July 12, 2021 (Appendix I, page 164).

Based on the studies thus far accomplished, the State of Indiana has not identified any locations where noise abatement is likely. This determination was based upon preliminary design costs and design criteria. Noise abatement has not been found feasible based on the impact of multiple long access drives off US 31 to safety and line of sight considerations. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed such that noise abatement is feasible and reasonable, the abatement measures might be provided. The final decision on the installation of any abatement measure(s) will be made upon the completion of the project's final design and the public involvement processes.

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

Will the proposed action comply with the local/regional development patterns for the area?

Yes

☒

No

☐

Will the proposed action result in substantial impacts to community cohesion?

☐

☒

Will the proposed action result in substantial impacts to local tax base or property values?

☐

☒

Will construction activities impact community events (festivals, fairs, etc.)?

☐

☒

Does the community have an approved transition plan?

☒

☐

If No, are steps being made to advance the community's transition plan?

☐

☐

Does the project comply with the transition plan? (explain in the discussion below)

☒

☐

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

The surrounding area land use is mixed residential, commercial, and agricultural. No changes in surrounding land use are anticipated because of the project. The project will result in the relocation of 19 residences and 5 businesses due to either partial or full property acquisition. The existing tax base and property values may slightly decrease by these improvements; however, the economic development potential may increase the property values.

The *Hamilton County, Indiana Comprehensive Plan Update*, June 2006, (<https://www.hamiltoncounty.in.gov/593/Comprehensive-Plan>) indicates citizens within the jurisdictional boundary prefer Hamilton County as it is and want to preserve its rural character, but also oppose land use or development controls that limit the potential to develop land in the future. The following Five First Principles describe the future vision for the county: 1) protect and steward the environmental and natural resources; 2) preserve and enhance the rural character; 3) promote economic growth and a stable tax base; 4) build livable communities; and 5) serve residents and businesses with efficient transportation systems. Strategies highlighted under the principle of providing efficient transportation systems include: minimizing traffic congestion now and, as the area continues to grow in population, developing roadway access control that enforces the land use plan; encouraging intergovernmental cooperation for transportation planning; planning and coordinating land use and transportation networks, including roadways, trails and walkways, to serve both transportation and recreation needs; and helping pedestrians cross streets and intersections. The US 31 corridor is in an area planned for mixed-use priority growth, from SR 38 north to the county boundary; an area planned for residential priority growth is located to the west of the project intersection. The project will meet the Five First Principles of the Comprehensive Plan for the county, as well as planned land use for Adams Township and Jackson Township..

The *2007 Hamilton County Thoroughfare Plan Update* (<https://www.hamiltoncounty.in.gov/617/Thoroughfare-Plan>) indicates a vision of developing a safe, efficient, and balanced transportation system for the movement of people and goods. Four goals were identified for the transportation system: 1) safety and efficiency; 2) sustainable and proactive; 3) regional values; and 4) multi-modal. The

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Thoroughfare Plan classifies US 31 as an expressway and 236th Street as a Primary Arterial. The Plan also identifies the US 31 corridor as a future land use of high intensity commercial/mixed-use. US 31 is identified as a focus area within the county because it is a heavily traveled corridor and experiences near capacity traffic volumes and intense land use, which has created significant congestion and safety issues. The Plan's goal for this focus area is to lower the congestion levels and improve safety and level of service, by limiting access, widening the roadway, improving intersections and/or installing interchanges with major roadways, or interconnecting adjacent land uses. The project is consistent with the four goals identified in the Thoroughfare Plan.

Hamilton County has an Americans with Disabilities Act (ADA) Transition Plan from 2013 (<https://www.hamiltoncounty.in.gov/804/ADA-Transition-Plan>). The Transition Plan recommends an approach to meet state and federal ADA guidelines and requirements by implementing a barrier prioritization process that identifies the most critical ADA needs and assists in implementing the Transition Plan in future years. The Transition Plan gives priority to walkways serving entities covered by the ADA, including state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. There are no pedestrian facilities in the area and there are no proposed pedestrian facilities included in this project. Therefore, the ADA compliance is not applicable to this project.

Where new overpass bridges are proposed for construction, traffic will be detoured along local roads. Local roads that are to be turned into cul-de-sacs will experience a permanent traffic alteration. The proposed interchange area will utilize phased construction to maintain traffic. During construction, 276th Street will be closed to thru traffic at US 31. Traffic will be maintained using a detour. US 31 is expected to remain open to traffic, with restrictions, throughout construction. MOT has been described in the MOT discussion above. Local and emergency service access to all residences and businesses on 276th Street will be maintained at all times during construction. The closure and detour will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated, and all inconveniences will cease upon project completion. Foreseeable impacts on future traffic patterns resulting from the project include reduced traffic volumes on roadways to have cul-de-sacs constructed, and increased traffic on roadways where overpass and interchange construction is proposed. Traffic volumes are also likely to increase on the north/south county roads on either side of US 31 from vehicles traveling to overpasses or interchanges.

Construction activities will not have a measurable impact on community events. In nearby Cicero, approximately 6 miles east of the project area, there is an annual 4th of July celebration. The Sunflower Festival in September and a 4th of July celebration also occurs in in Sheridan, which is approximately 5 miles west of the project area. The Indiana Renaissance Faire occurs annually in October in Noblesville, located approximately 7 miles southeast from the project. Several other festivals, including Art of Wine, Carmel Porchfest, Greek Fest and Artomobilia, occur annually in Carmel, approximately 11 miles south of the project. Any impacts to these events will be temporary minor traffic delays during the construction period. No impacts to community events are expected after construction is completed.

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Public Facilities and Services

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

Based on a desktop review, site visits on June 4, 2020 by BF&S, and the aerial maps of the project area (Appendix B, pages 3-7), and the RFI report (Appendix E), there are six public facilities located within 0.5 mile of the project. Two facilities are located adjacent to or within the project area. McGregor Park is located adjacent to the project area. No work is being planned on or near the park property. A pipeline passes through the project area near the 256th Street and US 31 intersection. No work is planned on or near the pipeline. However, as that portion of the project progresses to design, utility coordination will occur to verify the location of the pipeline. East Union Christian Church is located in the southeast corner of US 31 and 296th Street. No work is planned at this intersection as part of this project.

Local access to all residences and business that will not be acquired will be maintained at all times during the construction as required by Standard Specifications. Where new overpass bridges are proposed for construction, traffic will be detoured along cross streets. Cross streets that are to be turned into cul-de-sacs will experience a permanent traffic alteration. Proposed interchange areas will utilize phased construction to maintain traffic. During construction, 276th Street will be closed to thru traffic at US 31. Traffic will be maintained using a detour. US 31 is expected to remain open to traffic throughout construction. MOT has been described in the MOT discussion above. Local and emergency service access to all residences and businesses will be maintained at all times during construction. The closure and detour will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated, and all inconveniences will cease upon project completion. Currently, there are no sidewalks or trails located within or adjacent to the project area for pedestrian or cyclist access. Therefore, the project is not expected to impact pedestrian or cyclist access. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access.

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?

Does the project require an EJ analysis?

If YES, then:

Are any EJ populations located within the project area?

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

Yes	No
	X
X	
X	
	X

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

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way as the project is being processed as an EA. The project will require 390.39 acres of permanent right-of-way and the relocation of 19 residences and 5 businesses. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is Hamilton County. The community that overlaps the project area is called the affected community (AC). In this project, the ACs are Census Tract 1103 (AC1), Census Tract 1102.01 (AC2), Census Tract 1104.01 (AC3), and 1105.07 (AC4). An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from 2019 American Community Survey 5-Year Estimates was obtained from the US Census Bureau Website <https://factfinder.census.gov/> on February 18, 2021, by BF&S. The data collected for minority and low-income populations within the AC are summarized in the below table.

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Table: Minority and Low-Income Data (2019 U.S. Census Bureau American Community Survey 5-Year Estimates)

	COC - (Hamilton County, Indiana)	AC-1 - (Census Tract 1103, Hamilton County, Indiana)	AC-2 - (Census Tract 1102.01, Hamilton County, Indiana)	AC-3 - (Census Tract 1104.01, Hamilton County, Indiana)	AC-4 - (Census Tract 1105.07, Hamilton County, Indiana)
Percent Minority	16.3%	11.2%	1.9%	21.4%	9.0%
125% of COC	20.4%	AC < 125% COC	AC < 125% COC	AC > 125% COC	AC < 125% COC
EJ Population of Concern		No	No	Yes	No
Percent Low-Income	4.6%	8.1%	10.2%	10.2%	1.3%
125% of COC	5.8%	AC > 125% COC	AC > 125% COC	AC > 125% COC	AC < 125% COC
EJ Population of Concern		Yes	Yes	Yes	No

AC1, Census Tract 1103, Hamilton County, Indiana has a percent minority of 11.2% which is below 50% and is below the 125% COC threshold. Therefore, the AC1 does not contain minority populations of EJ concern.

AC1, Census Tract 1103, Hamilton County, Indiana has a percent low-income of 8.1% which is below 50% and above the 125% COC threshold. Therefore, AC1 contains low-income populations of EJ concern.

AC2, Census Tract 1102.01, Hamilton County, Indiana has a percent minority of 1.9% which is below 50% and is below the 125% COC threshold. Therefore, the AC2 does not contain minority populations of EJ concern.

AC2, Census Tract 1102.01, Hamilton County, Indiana has a percent low-income of 10.2% which is below 50% and above the 125% COC threshold. Therefore, AC2 contains low-income populations of EJ concern.

AC3, Census Tract 1104.01, Hamilton County, Indiana has a percent minority of 21.4% which is below 50% and above the 125% COC threshold. Therefore, the AC3 contains minority populations of EJ concern.

AC3, Census Tract 1104.01, Hamilton County, Indiana has a percent low-income of 10.2% which is below 50% and above the 125% COC threshold. Therefore, AC3 contains low-income populations of EJ concern.

AC4, Census Tract 1105.07, Hamilton County, Indiana has a percent minority of 9.0% which is below 50% and is below the 125% COC threshold. Therefore, the AC3 does not contain minority populations of EJ concern.

AC4, Census Tract 1105.07, Hamilton County, Indiana has a percent low-income of 1.3% which is below 50% and below the 125% COC threshold. Therefore, AC4 does not contain low-income populations of EJ concern.

A potential benefit of the project for EJ and non-EJ populations includes increased safety by removing potential vehicle conflicts at intersections related to traffic crossing US 31, as well as reduced rear-end crashes for turning movements from US 31 to intersecting roads. Another potential benefit would be reducing the amount of time cars are idling at intersections or median crossovers.

Efforts to date to engage the public, and other identified stakeholders in Hamilton County, include CAC meetings that were held on July 1, 2020, and April 13, 2021, and Public Information Meetings held on September 1, 2020, and April 21, 2021. As a result of feedback received at these meetings, potential adverse impacts to low-income populations have been identified, which include:

- relocation of some residences and businesses,
- increased travel time and difficulty for farmers who manage agricultural lands both east and west of US 31,
- accelerated degradation of county roads surrounding US 31 due to increased use resulting from limited access implementation, and
- potential delays for emergency response – especially for properties located on a current intersecting road to US 31 that will receive cul-de-sac treatment as part of the project.

The project design minimizes relocation impacts to the greatest extent possible, while still meeting the purpose and need of the project, which is to improve safety and reduce the overall crash rate along US 31 in Hamilton County.

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Regarding relocations, the relocation of residences with current direct driveway access onto US 31 cannot be avoided. The relocation of residences with driveway access onto local county roads will be completely avoided. Relocation impacts to businesses will be minimized to the greatest extent possible. For example, the businesses surrounding the 226th Street intersection will be minimized by the alignment of the proposed overpass bridge and approaches, and construction of a new north/south access road off 226th Street approximately 0.25 mile east of US 31.

Regarding impacts to the farming community, the consensus from local farmers, expressed to INDOT and their designers, is that the proposed improvements will allow for easier daytime access across US 31. Many farmers indicated that their current access across US 31 is completed during nighttime hours when traffic levels are reduced.

Regarding the accelerated deterioration of local county roads, it is believed that the condition of many of these roadways is not only suitable to current traffic levels but will also meet the demands of future traffic levels. INDOT has been, and will continue to be, in communication with Hamilton County regarding the identification of necessary improvements to local roads directly impacted by future traffic patterns resulting from this project.

Regarding impacts to emergency services response times, INDOT has been, and will continue to be, in communication with local emergency services to best determine ways in which the project design can avoid or minimize impacts.

The project is a linear corridor type project that proposes limited access improvements for the entire length of Hamilton County from SR 38 to 286th Street. Therefore, all properties including EJ and non-EJ populations located along the project corridor are subject to the same considerations, including relocations of residences with driveway access to US 31, cul-de-sac or overpass treatment to all cross streets intersecting US 31, and interchange construction at previously identified locations (236th Street and 276th Street within Hamilton County). Therefore, the project is not expected to result in disproportionately high and adverse impacts to the identified EJ populations of concern.

EJ concerns will continue to be considered as design progresses and the public will continue to be engaged as the project planning progresses through the public hearing process and any additional public information meetings that take place.

The census data sheets, map, and calculations can be found in Appendix J, pages 1 – 6. No further environmental justice analysis is warranted.

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses, or farms?

Is a BIS or CSRS required?

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

Number of relocations: Residences: 19 Businesses: 5 Farms: 0 Other: 0

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

The project will require a total of approximately 390.39 acres of permanent right-of-way. The project will require a total of 28 relocations. A total of 19 residences, and 5 commercial properties that will be relocated. Although access to surrounding businesses, residences and intersecting roadways will be limited during project construction, access will be returned to all properties, except for the 28 relocations, after construction is complete. See Appendix B, pages 39-47 for Parcel Maps illustrating the relocations.

Potential Relocations under Des. No. 1900096:

- 1 commercial property in the southwest quadrant of the US 31/226th Street intersection
- 1 residential property in the southwest quadrant of the US 31/226th Street intersection
- 1 residential property located approximately 0.2 mile east of US 31 on south side of 226th Street

Potential Relocations under Des. No. 1900097

- 1 commercial property in the southeast quadrant of the US 31/216th Street intersection
- 3 residential properties on the west side of US 31 between 216th Street and 226th Street
- 1 residential property on the west side of US 31 between 226th Street and 236th Street

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Potential Relocations under Des. No. 1901797

1 residential property on the west side of US 31 between 266th and 276th Street

Potential Relocations under Des. No. 2002313:

1 commercial property on the west side of US 31 between 236th Street and 246th Street

1 residential property on the east side of US 31 between 236th Street and 246th Street

1 residential property on the west side of US 31 between 236th Street and 246th Street

2 residential properties on the west side of US 31 between 246th Street and 256th Street

1 residential property on the east side of US 31 between 246th Street and 256th Street

1 commercial property in the northeast quadrant of the US 31/256th Street intersection

4 residential properties on the west side of US 31 between 256th Street and 266th Street

2 residential properties on the east side of US 31 between 256th Street and 266th Street

1 residential property in the northwest quadrant of the US 31/266th Street intersection

1 commercial property in the northeast quadrant of the US 31/266th Street intersection

The acquisition and relocation program has been and will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. Relocation resources are available to all residential and business relocates without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person.

SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)

Red Flag Investigation (RFI)

Phase I Environmental Site Assessment (Phase I ESA)

Phase II Environmental Site Assessment (Phase II ESA)

Design/Specifications for Remediation required?

Documentation

X

Date RFI concurrence by INDOT SAM (if applicable): March 19, 2020

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

Based on a review of GIS and available public records, a RFI was concurred by INDOT SAM on March 19, 2020 (Appendix E). One state cleanup site is located within 0.5 mile of the project area and could affect the project area.

State Cleanup Sites: One (1) State Cleanup Site is located within the search radius. The site, associated with JAS Trucking Incorporated (Agency ID No. 23367), is located at the US 31 and 216th Street intersection. According to the Indiana Department of Environmental Management (IDEM) Virtual file cabinet (VFC) there was a fuel tanker crash that resulted in a spill of 8,500 gallons of diesel and gasoline on June 27, 2005. On May 18, 2006, IDEM issued a No Further Action (NFA); however, due to proximity to buried telephone cables, complete excavation was impractical. All boring samples except for two (2) were within RISC residential default closure limits. The two (2) borings that were above the RISC residential closure levels are below the RISC industrial closure levels. As a result of the incomplete excavation, there is likely contamination remaining near or in the right-of-way. Coordination will be conducted with IDEM before future site activities occur.

One institutional control site is located within 0.5 mile of the project area and could affect the project area.

Institutional Controls: GW Pierce Lot 2, 22265 US Hwy 31, AI# 117374, is located adjacent to the project area. The site was formerly the site of an auto parts facility. According to a Phase II investigation, chromium and arsenic were found and low levels of Naphthalene were slightly above Residential Tap Screening Levels. Coordination will be conducted with IDEM before further site activities occur. If excavation is planned for this area, a Phase II Environmental Site Assessment is recommended.

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Five leaking underground storage tank (LUST) sites are located within 0.5 mile of the project area. One LUST site could affect the project area.

LUST Sites: The 31 Car & Truck Plaza site (McClure Oil Store #65), 21575 US HWY 31 N, Cicero, IN, AI #20847, is located at the southeast corner of US 31 and 216th Street. According to the IDEM VFC, soil and groundwater at the site was found to be impacted during 1998 underground storage tank removal activities. Assessment, remediation (natural attenuation) and monitoring activities have occurred at the site since 1999 and the last site remediation information is from 2007. Coordination with IDEM is recommended to see if additional information is available. If extensive excavation is necessary in this area, a Phase II Environmental Site Assessment is recommended.

Six underground storage tank sites are located within 0.5 mile of the project area. One UST site could affect the project area.

UST Sites: One (1) unmapped UST site was observed during a window survey of the project area. A former gas station site located at 27610 US Highway 31 N, Atlanta, IN 46031 is adjacent to the project area. According to records found in the IDEM VFC, IDEM conducted a site inspection on November 24, 1997, and noted that the site was not in service but had extant vent pipes and pumps. IDEM attempted to contact the property owner via a letter on December 4, 1997, requesting permanent closure. Please see the separate RFI that was prepared under Des. No. 1901797 for additional information.

In addition, Lindley Ditch is listed as impaired on the IDEM 303d List of Impaired Waterways ([Water Quality in Indiana: Home](#)) for *Escherichia coli* (*E. coli*). However, since there is no work planned to occur within Lindley Ditch, there are no special project commitments that must be implemented to protect workers from the potential contaminants found in the ditch.

All the project commitments are listed in the Environmental Commitments section in this document.

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

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

Nationwide Permit (NWP)
Regional General Permit (RGP)
Individual Permit (IP)
Other

X

IN Department of Environmental Management (401/Rule 5)

Nationwide Permit (NWP)
Regional General Permit (RGP)
Individual Permit (IP)
Isolated Wetlands
Rule 5
Other

X
X
X

IN Department of Natural Resources

Construction in a Floodway
Navigable Waterway Permit
Other

X

Mitigation Required**US Coast Guard Section 9 Bridge Permit****Others (Please discuss in the discussion below)**

X

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

A total of 1,111 linear feet of impacts to stream are anticipated. That includes 533 linear feet to UNT to Jones Ditch, 300 linear feet to Bennett Ditch, 113 linear feet to Little Cicero Creek, and 52 linear feet to UNT1 to Little Cicero Creek. A total of approximately 0.269

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acre of wetlands, all of which are State Regulated Wetlands, will occur as a result of the project. A 404 Regional General Permit and 401 Individual Permit will be required. Stream and wetland mitigation is required.

The project is within the floodway of Little Cicero Creek. An IDNR Construction in a Floodway permit will be required.

A Rule 5 Submission will be required since greater than one acre of land will be disturbed. Once any necessary permits are obtained, they will be submitted to the INDOT Contracts Division prior to the construction of the project. The conditions of the permit will be requirements of the project.

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

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

ENVIRONMENTAL COMMITMENTS

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

Firm:

1. If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT Greenfield District)
2. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
3. Wetlands and portions of wetlands that are to be avoided will be marked as "Do Not Disturb" on design plans and temporary construction fencing will be installed to prevent impacts during construction. (INDOT ESD)
4. Any Work in a wetland area within right-of-way or in borrow/waste areas is prohibited unless specifically allowed in the U.S. Army Corps of Engineers permit. (INDOT ESD)
5. USFWS Bridge/Structure Assessment shall take place no earlier than two (2) years prior to the start of construction. If construction will begin after June 23, 2022, an inspection of the structure by a qualified individual, must be performed. Inspection of the structure should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)
6. General AMM 1. Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. (USFWS)
7. Lighting AMM 1. Direct temporary lighting away from suitable habitat during the active season. (USFWS)
8. 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, the goal is to be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. (USFWS)
9. Tree Removal AMM 1. Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
10. Tree Removal AMM 2. Apply time of year (TOY) restrictions for tree removal when bats are not likely to be present (November 15 – March 30), or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/ rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (USFWS, IDNR)

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11. Tree Removal AMM 3. Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)

12. Tree Removal AMM 4. Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting; or trees within 0.25 miles of roosts; or documented foraging habitat any time of year. (USFWS)

13. Prior to any demolition, all structure(s) will be inspected for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and USFWS before demolition starts. If further coordination is needed no demolition can occur until coordination is concluded with INDOT ESD and USFWS. (USFWS)

14. Structure Nos. 031-29-04572 BNBL (northbound bridge over Little Cicero Creek) and 031-29-04572 BSBL (US 31 southbound over Little Cicero Creek) have shown evidence of use (i.e., nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA) during the June 23, 2020, inspection. Avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the “Migratory Bird Protection” Unique Special Provision (USP). (INDOT ESD)

15. Before commencing ground-disturbing activities in a phase of US 31 Limited Access Conversion from SR 38 to 286th Street, INDOT shall complete the identification and evaluation of archaeological properties in accordance with Federal and State standards and guidelines. (INDOT CRO, IDNR DHPA)

16. INDOT and/or its consultants shall investigate any additional locations where ground-disturbing activities are proposed or where they may occur within temporary and permanent right-of-way, where such areas have not previously been investigated or have been added due to project modifications. INDOT and/or its consultants shall prepare a distribute a final Identification and Evaluation report or reports. (INDOT CRO, IDNR DHPA)

17. Consultation with the Indiana SHPO determined there is insufficient information regarding archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 to determine eligibility for inclusion in the NRHP. These sites must be avoided by all project activities. If avoidance is not feasible, a plan for Phase II Archaeological investigations will be submitted to the Indiana SHPO for review and comment. (INDOT CRO, IDNR DHPA)

18. Consultation with the Indiana SHPO determined portions of sites 12-H-1879, 12-H-1880, 12-H-1885, 12-H-1886, 12-H-1889, and 12-H-1891 that were identified within the project area during the archaeological investigations are not eligible for inclusion in the NRHP and no further archaeological investigations are necessary in those portions of the sites within the project area. The portions of these sites outside of the project area (right-of-way) will be clearly marked as do not disturb – sensitive environmental resource on the project plans and in the field prior to any ground disturbance so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the Indiana SHPO for review and comment. (INDOT CRO, IDNR DHPA)

19. If a steel casing or void hole is encountered during construction, around the known wells, contact IDNR Division of Oil and Gas immediately so they can assess the well and determine next steps. (IDNR Division of Oil and Gas)

20. One (1) State Cleanup Site is located within the search radius. The site, associated with JAS Trucking Incorporated (Agency ID No. 23367), is located at the US 31 and 216th Street intersection. Coordination will be conducted with IDEM before future site activities occur. (INDOT-SAM)

21. GW Pierce Lot 2, 22265 US Hwy 31, AI# 117374, is located adjacent to the project area. The site was formerly the site of an auto parts facility. Coordination will be conducted with IDEM before further site activities occur. If excavation is planned for this area, a Phase II Environmental Site Assessment is recommended. (INDOT-SAM)

22. The 31 Car & Truck Plaza site (McClure Oil Store #65), 21575 US HWY 31 N, Cicero, IN, AI #20847, is located at the southeast corner of US 31 and 216th Street. Coordination with IDEM is recommended to see if additional information is available. If extensive excavation is necessary in this area, a Phase II Environmental Site Assessment is recommended. (INDOT-SAM)

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23. Little Cicero Creek is listed as impaired for E. coli. Regarding E. coli, workers who are working in or near water with E. coli should take care to wear appropriate PPE, observe proper procedures, including regular hand washing, and limit personal exposure. The contractor shall provide the appropriate training and PPE for all workers who are working in or near Little Cicero Creek. (INDOT SAM)

For Further Consideration:

24. For the 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. Crossing 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. (IDNR)

25. 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. The Division of Fish and Wildlife would like to emphasize the importance of wildlife passage issues and transportation infrastructure projects. (IDNR)

26. For streambank stabilization and erosion control, regrading to a stable slope (2:1 or shallower) and establishing native vegetation along the banks are typically the most effective techniques. A variety of methods to accomplish this include planting plugs, whips, container stock, seeding, and live stakes. In addition to vegetation establishment, some additional level of bioengineered bank stabilization may be needed under certain circumstances (inability to regrade to a stable slope, flow velocities that exceed the limits of vegetation alone, etc.). Combining vegetation with any of the following bank stabilization methods can provide additional bank protection while not compromising benefits to fish, wildlife, and botanical resources: geotextiles (erosion control blankets and/or turf reinforcement mats 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), vegetated geogrids or soil lifts, fiber rolls, glacial stone, or riprap. (IDNR)

27. Riprap or other hard bank stabilization materials should be used only at the toe of the sideslopes up to the ordinary high-water mark (OHWM) except for areas directly under bridges for instance. The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. For streambed stabilization or scour protection, riprap or other stabilization materials should not be placed in the active stream channel above the existing streambed or flowline elevation unless specifically designed and installed for grade control and aquatic organism passage. This is to prevent obstructions to the movement of aquatic organisms upstream and downstream. (IDNR)

28. 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 and 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. (IDNR)

29. The Division of Fish and Wildlife recommends coordinating with the Division of Fish and Wildlife CORRIDORS Program to include roadside plantings to enhance habitat for grassland birds and pollinators (<https://www.in.gov/dnr/fishwild/9405.htm>). (IDNR)

30. 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 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. (IDNR)

31. 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

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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." We recommend visiting the following website to learn more about the potential negative impacts of improperly selected LED lighting systems if required: <http://darksky.org/lighting/led-practical-guide/>. (IDNR)

32. Revegetate all bare and disturbed areas that are not currently mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Central Indiana 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 currently mowed areas only. (USFWS)

33. Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds. (IDNR)

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

35. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap. (IDNR)

36. 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. (IDNR)

37. Restrict below low-water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap. Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottom culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community. (USFWS)

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

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

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

NOTE: Appendices are not attached in order to be concise. Appendices can be accessed at this [link](#).

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Public Involvement Documentation

LEGAL NOTICE OF PUBLIC HEARING - Des. No. 1900096**US 31 Limited Access Upgrade from SR 38 to 286th Street, Hamilton County**

The Indiana Department of Transportation (INDOT) will host a public hearing on Tuesday, September 28, 2021. There will be an open house from 5:00 pm – 6:00 pm, then a presentation from 6:00 pm – 6:30 pm followed by the opportunity to provide public comment. The hearing will be held at the Remnant Coffee Shop, located at 101 W. Main Street, Arcadia, Indiana. Parking is available at a lot on E. Main Street at S. East Street, the Arcadia Town Hall lot, grass parking along the adjacent train tracks, and on-street parking near the coffee house.

The purpose of the public hearing is to offer all interested persons an opportunity to comment on the environmental document, the 800.11(e) documentation for Section 106, and the current preliminary design plans for the U.S. 31 Limited Access Project in Hamilton County. The purpose of this project is to reduce traffic accidents along US 31 while maintaining local access by providing interchanges and overpasses at select locations.

Attendees are advised that adherence to CDC and Hamilton County Health Department guidelines as related to COVID-19 are required. A limited supply of face coverings will be available for use upon entry.

The project proposes to analyze all existing cross streets to U.S. 31 along the corridor for conversion either to cul-de-sacs (east and west of U.S. 31), new overpasses, or new interchanges. Initial considerations for cross streets within the project area are provided in the tables below.

HAMILTON COUNTY

Intersecting Roadway	Initial Considerations for Intersection Treatments	Notes	Funding Year
216th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2023
226th Street	Proposed Overpass	Part of Subject Study	FY 2023
236th Street	Proposed Interchange	Project of Independent Utility	FY 2022
241st Street	Proposed Cul-de-sac	Project of Independent Utility	FY 2022
246th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024
256th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024
266th Street	Proposed Overpass	Part of Subject Study	FY 2024
276th Street	Proposed Interchange	Part of Subject Study	FY 2022
281st Street	Proposed Cul-de-sac	Part of Subject Study	FY 2022
286th Street	Closed Median and Allow Right-turn in and Right-turn out only	Part of Subject Study	FY 2022

The proposed project area is approximately 7.5 miles long. The project will require approximately 390.39 acres of permanent right-of-way and approximately 16.16 acres of temporary right-of-way. It is anticipated there will be nineteen residential relocations and five commercial relocations.

The Maintenance of Traffic (MOT) plan for the project is under development, however no major restrictions on US 31 mainline are anticipated. Where new overpass bridges are proposed for construction, traffic will be detoured along cross streets where new overpass bridge construction is proposed. Cross streets that are to be turned into cul-de-sacs will experience a permanent traffic alteration. Proposed interchange areas will utilize phased construction to maintain traffic. Initial stages of construction expected to begin in Summer 2022. Access to all properties will be maintained during construction. INDOT will coordinate with emergency services, local school corporation officials and project stakeholders to ensure potential disruptions and impacts are minimized as much as possible.

A link to the video of the public hearing presentation will be posted to the project website via the project sponsors web page <https://www.in.gov/indot/4277.htm> on September 28, 2021. In addition, this web page contains project information, including frequently asked questions and responses.

Federal and state funds are proposed to be used for construction of this project. An Environmental Assessment document has been prepared for the project. The environmental documentation is available to view at the following locations:

1. U.S. 31 Limited Access Upgrade Website <https://www.in.gov/indot/4277.htm>
2. INDOT Greenfield District – 32 South Broadway, Greenfield, Indiana 46140
3. Butler, Fairman and Seufert, Inc. – 8450 Westfield Boulevard, Suite 300, Indianapolis, Indiana 46240
4. Hamilton North Public Library – 209 W. Brinton Street, Cicero, Indiana 46034
5. Sheridan Public Library – 103 W. 1st Street, Sheridan, Indiana 46069
6. Atlanta Public Library – 100 South Walnut Street, Atlanta, IN 46031

Public statements for the record will be taken as part of the public hearing procedure. All verbal statements recorded during the public hearing and all written comments submitted prior to, during and for a period of two (2) weeks following the hearing date, will be evaluated, considered, and addressed in subsequent environmental documentation. Written comments may be submitted prior to the public hearing and within the comment period in the following ways

1. BF&S Office, ATTN: Neal Bennett, 8450 Westfield Blvd., Suite 300, Indianapolis, IN 46240, or bfsenviro@bfsengr.com
2. INDOT Greenfield District, ATTN: Jennifer Beck, INDOT Senior Project Manager, 32 South Broadway, Greenfield, IN 46140, or jbeck@indot.in.gov.
3. INDOT Toll Free Number: 855-INDOT4U (468-6848) Mention U.S. 31 Limited Access in Hamilton County, IN

The public comment period for the EA began on September 13, 2021, and will end on October 13, 2021. INDOT respectfully requests comments be submitted utilizing the options noted above by October 13, 2021.

Persons with limited internet access may request project information be mailed. In accordance with the Americans with Disabilities Act (ADA) and with advance notice, INDOT will coordinate accommodations for persons with disabilities requiring auxiliary aids including, but not limited to sign language interpretation, alternative format documents and other ADA supportive services. In addition, and in accordance with Title VI of the Civil Rights Act of 1964, INDOT will coordinate accommodation for persons of Limited English Proficiency (LEP) requiring auxiliary aids and/or supportive services including, but not limited to alternative format documents and other services as needed. Should accommodation be required please contact Neal Bennett of BF&S at bfsenviro@bfsengr.com, 8450 Westfield Blvd., Suite 300, Indianapolis, IN, (317) 713-4615.

This notice is published in compliance with Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) states: "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program." 23 CFR 450.212(a)(7) states: "Public involvement procedures shall provide for periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary." approved by the Federal Highway Administration, U.S. Department of Transportation on July 7, 2021

RL4907

9/13/21, 9/20/21

<p>LEGAL NOTICE OF PUBLIC HEARING - Des. No. 1900096</p> <p>US 31 Limited Access Upgrade from SR 38 to 286th Street, Hamilton County</p> <p>The Indiana Department of Transportation (INDOT) will host a public hearing on Tuesday, September 28, 2021. There will be an open house from 5:00 pm – 6:00 pm, then a presentation from 6:00 pm – 6:30 pm followed by the opportunity to provide public comment. The hearing will be held at the Remnant Coffee Shop, located at 101 W. Main Street, Arcadia, Indiana. Parking is available at a lot on E. Main Street at S. East Street, the Arcadia Town Hall lot, grass parking along the adjacent train tracks, and on-street parking near the coffee house.</p> <p>The purpose of the public hearing is to offer all interested persons an opportunity to comment on the environmental document, the 800.11(e) documentation for Section 106, and the current preliminary design plans for the U.S. 31 Limited Access Project in Hamilton County. The purpose of this project is to reduce traffic accidents along US 31 while maintaining local access by providing interchanges and overpasses at select locations.</p> <p>Attendees are advised that adherence to CDC and Hamilton County Health Department guidelines as related to COVID-19 are required. A limited supply of face coverings will be available for use upon entry.</p> <p>The project proposes to analyze all existing cross streets to U.S. 31 along the corridor for conversion either to cul-de-sacs (east and west of U.S. 31), new overpasses, or new interchanges. Initial considerations for cross streets within the project area are provided in the tables below.</p> <p>HAMILTON COUNTY</p> <table> <tr> <th>Intersecting Roadway</th><th>Initial Considerations for Intersection Treatments</th><th>Notes</th><th>Funding Year</th></tr> <tr> <td>216th Street</td><td>Proposed Cul-de-sac</td><td>Part of Subject Study</td><td>FY 2023</td></tr> <tr> <td>226th Street</td><td>Proposed Overpass</td><td>Part of Subject Study</td><td>FY 2023</td></tr> <tr> <td>236th Street</td><td>Proposed Interchange</td><td>Project of Independent Utility</td><td>FY 2022</td></tr> <tr> <td>241st Street</td><td>Proposed Cul-de-sac</td><td>Project of Independent Utility</td><td>FY 2022</td></tr> <tr> <td>246th Street</td><td>Proposed Cul-de-sac</td><td>Part of Subject Study</td><td>FY 2024</td></tr> <tr> <td>256th Street</td><td>Proposed Cul-de-sac</td><td>Part of Subject Study</td><td>FY 2024</td></tr> <tr> <td>266th Street</td><td>Proposed Overpass</td><td>Part of Subject Study</td><td>FY 2024</td></tr> <tr> <td>276th Street</td><td>Proposed Interchange</td><td>Part of Subject Study</td><td>FY 2022</td></tr> <tr> <td>281st Street</td><td>Proposed Cul-de-sac</td><td>Part of Subject Study</td><td>FY 2022</td></tr> <tr> <td>286th Street</td><td>Closed Median and Allow Right-turn in and Right-turn out only</td><td>Part of Subject Study</td><td>FY 2022</td></tr> </table> <p>The proposed project area is approximately 7.5 miles long. The project will require approximately 390.39 acres of permanent right-of-way and approximately 16.16 acres of temporary right-of-way. It is anticipated there will be nineteen residential relocations and five commercial relocations.</p> <p>The Maintenance of Traffic (MOT) plan for the project is under development, however no major restrictions on US 31 mainline are anticipated. Where new overpass bridges are proposed for construction, traffic will be detoured along cross streets where new overpass bridge construction is proposed. Cross streets that are to be turned into cul-de-sacs will experience a permanent traffic alteration. Proposed interchange areas will utilize phased construction to maintain traffic. Initial stages of construction expected to begin in Summer 2022. Access to all properties will be maintained during construction. INDOT will coordinate with emergency services, local school corporation officials and project stakeholders to ensure potential disruptions and impacts are minimized as much as possible.</p> <p>A link to the video of the public hearing presentation will be posted to the project website via the project sponsors web page https://www.in.gov/indot/4277.htm on September 28, 2021. In addition, this web page contains project information, including frequently asked questions and responses.</p> <p>Federal and state funds are proposed to be used for construction of this project. An Environmental Assessment document has been prepared for the project. The environmental documentation is available to view at the following locations:</p> <ol style="list-style-type: none"> 1. U.S. 31 Limited Access Upgrade Website https://www.in.gov/indot/4277.htm 2. INDOT Greenfield District – 32 South Broadway, Greenfield, Indiana 46140 3. 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Should accommodation be required please contact Neal Bennett of BF&S at bfseviron@bfsegr.com, 8450 Westfield Blvd., Suite 300, Indianapolis, IN, (317) 713-4615.</p> <p>This notice is published in compliance with Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) states: "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program." 23 CFR 450.212(a)(7) states: "Public involvement procedures shall provide for periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary." approved by the Federal Highway Administration, U.S. Department of Transportation on July 7, 2021</p>				Intersecting Roadway	Initial Considerations for Intersection Treatments	Notes	Funding Year	216th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2023	226th Street	Proposed Overpass	Part of Subject Study	FY 2023	236th Street	Proposed Interchange	Project of Independent Utility	FY 2022	241st Street	Proposed Cul-de-sac	Project of Independent Utility	FY 2022	246th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024	256th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024	266th Street	Proposed Overpass	Part of Subject Study	FY 2024	276th Street	Proposed Interchange	Part of Subject Study	FY 2022	281st Street	Proposed Cul-de-sac	Part of Subject Study	FY 2022	286th Street	Closed Median and Allow Right-turn in and Right-turn out only	Part of Subject Study	FY 2022
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TL18238 9/10 9/17 21 hspazdp

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Hamilton County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Jeff Jellison who, being duly sworn, says that he is Publisher of the Hamilton County Reporter newspaper of general circulation printed and published in the English language in the city of Noblesville in state and county afore-said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the date(s) of publication being as follows:

9/13/2021
9/20/2021

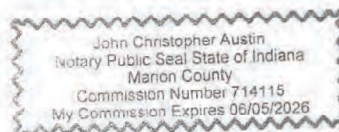


Subscribed and sworn to before me this Monday, September 20, 2021.


Notary Public

My commission expires: **06/20/2026**
John Christopher Austin
Resident of Marion County

Publisher's Fee: \$168.02



INDIANA DEPARTMENT OF TRANSPORTATION
(Governmental Unit)

To: Hamilton County Reporter Newspaper
PO Box 190
Westfield, IN 46074

Hamilton County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

60 lines, 4 columns wide equals 240 equivalent lines at 0.7001

cents per line

\$168.02

Additional charges for notices containing rule or tabular work (50 per cent of above amount)

\$0.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$168.02

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column in picas 9.375

Size of type 7 point

Number of insertions 2

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 2 times. The dates of publication being as follows:

9/13/2021

9/20/2021

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

☒ Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Date Monday, September 20, 2021

Title Public Notice Advertising

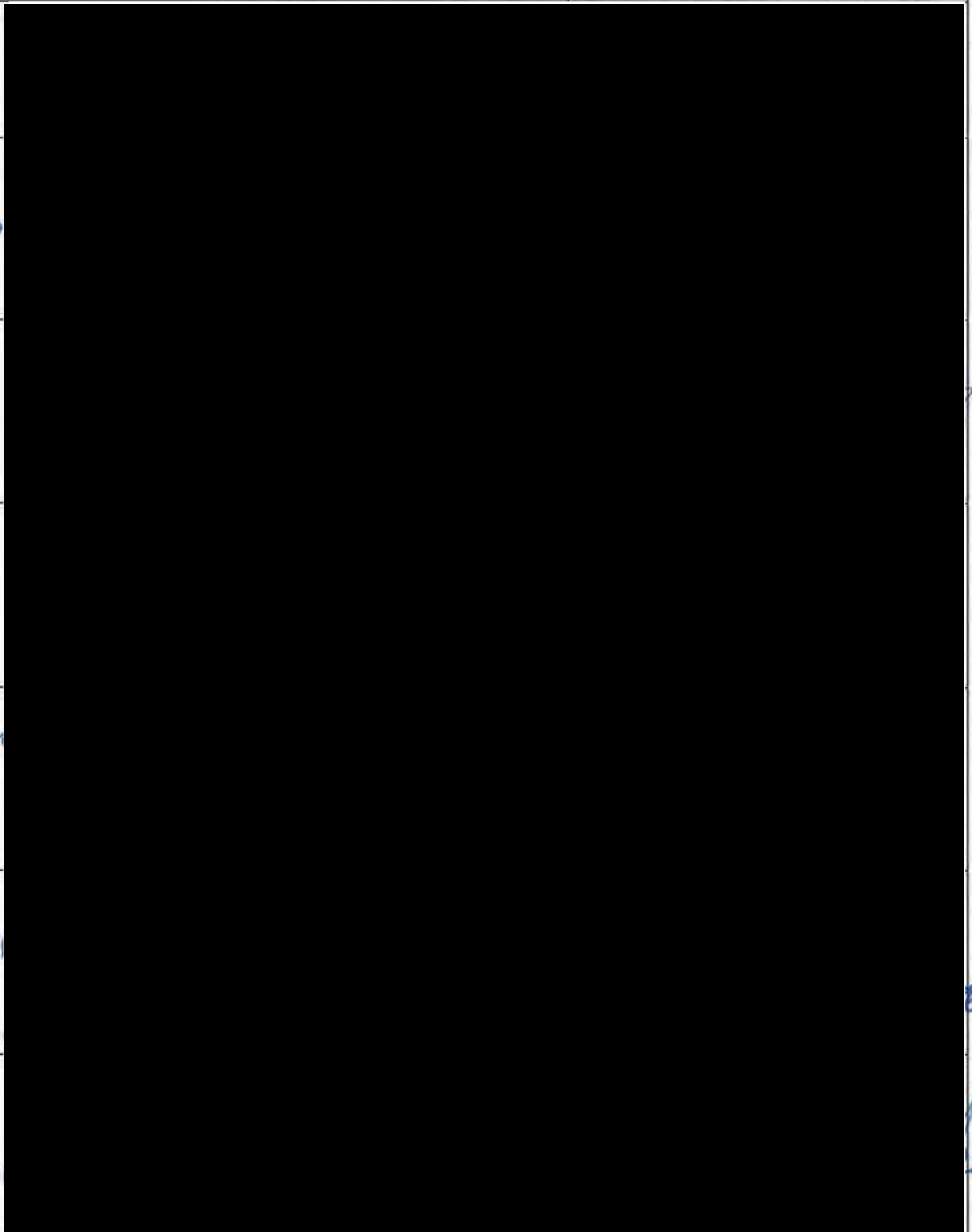
RL 4907

RECORD OF ATTENDANCE

US 31 Limited Access Project in Hamilton County, IN (Des No 1900096 et al)

Tuesday, September 28, 2021 at 5:00 pm

Please **PRINT** your name and address for purpose of record of attendance.

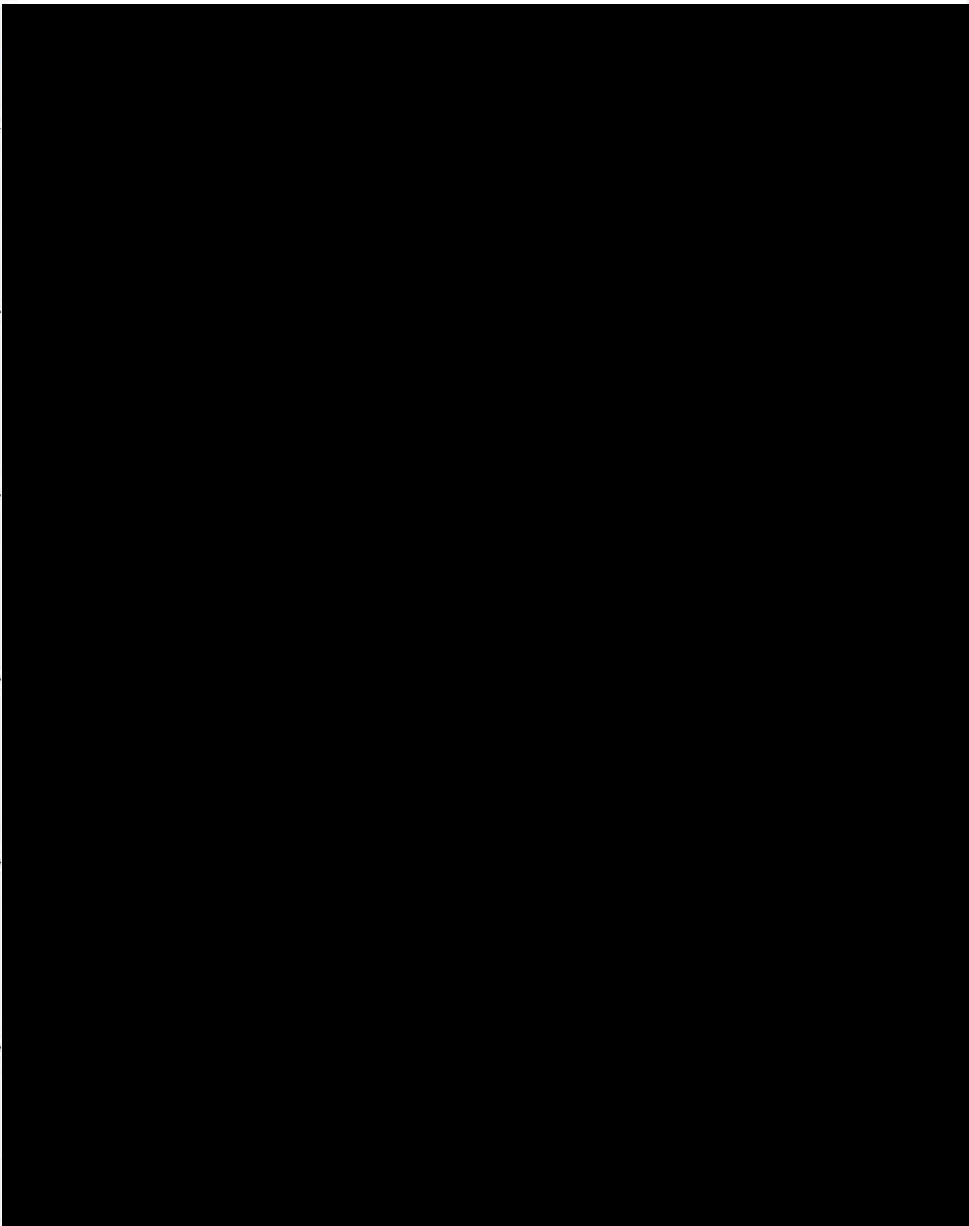
NAME	ADDRESS	EMAIL/PHONE NUMBER
Don Knapp		
Jerry Burtcher		
John Grimes		
Roger Drake		
Sharon Thompson		
Robyn Cook		
Kelei Baka Leak (Waltz) Joe Leak		

RECORD OF ATTENDANCE

US 31 Limited Access Project in Hamilton County, IN (Des No 1900096 et al)

Tuesday, September 28, 2021 at 5:00 pm

Please **PRINT** your name and address for purpose of record of attendance.

NAME	ADDRESS	EMAIL/PHONE NUMBER
Jeff Roberts		
Kenny & Michelle Warrick		
RAY ADLER		
Jeff Hendricks		
GARY DUNCAN		
Jeremy Miller		
Nicole Duncan		



RECORD OF ATTENDANCE

US 31 Limited Access Project in Hamilton County, IN (Des No 1900096 et al)

Tuesday, September 28, 2021 at 5:00 pm

Please **PRINT** your name and address for purpose of record of attendance.

NAME	ADDRESS	EMAIL/PHONE NUMBER
Mike Hartley		
Dick Esler		
Don Harsig		
BRADDAVIS		
Kay Hartley		
Stere E. Sandy Baitz		
Gene & Susan Ringer		

RECORD OF ATTENDANCE

US 31 Limited Access Project in Hamilton County, IN (Des No 1900096 et al)

Tuesday, September 28, 2021 at 5:00 pm

Please **PRINT** your name and address for purpose of record of attendance.

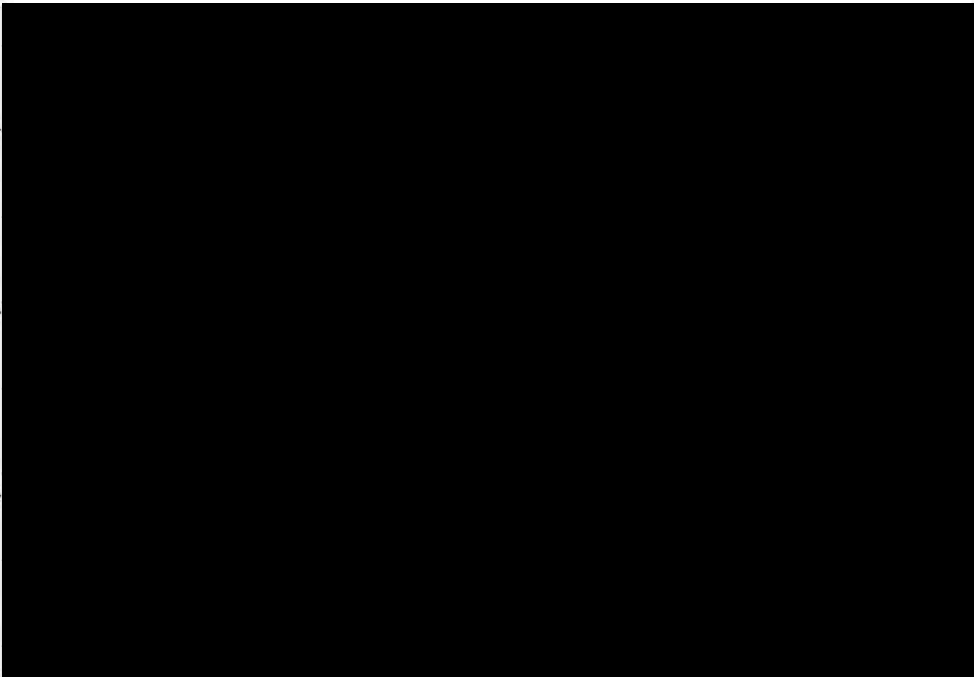
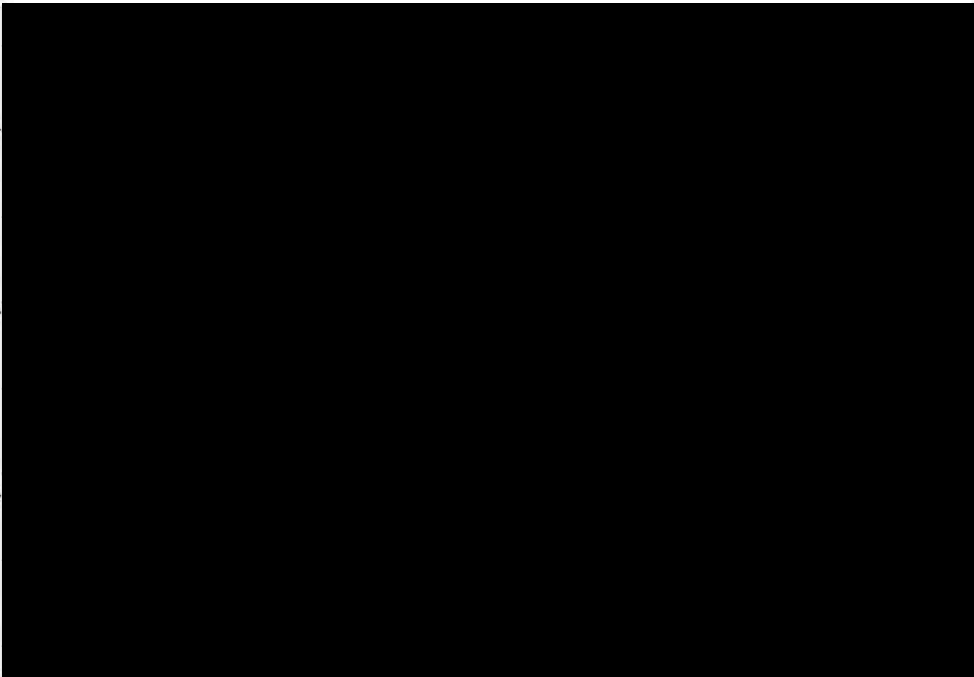
NAME	ADDRESS	EMAIL/PHONE NUMBER
Alaina Shonkwiler Congresswoman Spartz		
Mark Thomas		
JASON MOREHOUSE		
Yudith Cruz		
MARI BRIGGS		
Michelle Allen		
Steve Schwartz		

RECORD OF ATTENDANCE

US 31 Limited Access Project in Hamilton County, IN (Des No 1900096 et al)

Tuesday, September 28, 2021 at 5:00 pm

Please **PRINT** your name and address for purpose of record of attendance.

NAME	ADDRESS	EMAIL/PHONE NUMBER
Laurie Mandlin		
Rajesh Kothke		
Sonny Bech		
Carolyn Townsend		

SPEAKERS SCHEDULE

If you desire to speak during the recorded public comment session, please print your name below. Speakers will be invited in the order they sign up.

You do not have to sign below to speak. Once the speakers schedule is exhausted, others from the audience desiring to record their comments will be invited to the microphone.

PLEASE PRINT

1. Kele: Baker Leak	16.
2. RAH ADEL	17.
3. Mike Hartley	18.
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PUBLIC HEARING INFORMATION PACKET

US 31 LIMITED ACCESS PROJECT

HAMILTON COUNTY, INDIANA

DESIGNATION NO. 1900096 et. al.

Tuesday, September 28, 2021

5:00 pm

Remnant Coffee Shop

101 W. Main Street

Arcadia, IN 46030

PRESENTATION AGENDA

Open House

Informal Plan Review and Q&A with Project Representatives (prior to 6:00 PM)

Public Hearing Called to Order (6:00 PM)

Presentation (6:00 PM to 6:30 PM)

Public Comment Session

Adjournment of Formal Presentation

Questions and Answers

Informal Q&A with Project Representatives

September 28, 2021

Welcome to INDOT's public hearing regarding the proposed limiting of access along US 31 from SR 38 to 286th Street, in Hamilton County, Indiana

The purpose of the public hearing is to explain the project and receive comments. There are several ways that your comments may be presented.

1. You may present comments verbally during the public statement session, which follows the presentation. You may do this by signing up on the **Speaker's Schedule** located on the table with the handout materials.
2. You may complete one of the **comment sheets** and return it to the Butler, Fairman and Seufert, Inc., Public Hearings Examiner. The comment sheets are attached to this packet and extra copies are available on the table with the other handout materials.
3. You may **mail** your comments to Butler, Fairman and Seufert, Inc., ATTN: Neal Bennett within the next two weeks. All written comments postmarked by October 14, 2021 will become part of the transcript and will be addressed in the same manner as any formal public comments made here tonight.
4. You may also forward your comments to my **email** address: bfsenviron@bfsengr.com
5. You may call INDOT Toll Free 855-INDOT4U (468-6848) Mention US 31 Limited Access in Hamilton County, Indiana, Des No 1900096

All comments that are received will be evaluated and answered with a summary report submitted to the INDOT. This report will address all concerns raised during the public involvement period and describe the design decisions made at the completion of the public involvement process. Every comment received as part of this process will be addressed.

A Legal Notice of Intent will be published and mailed out notifying the public of the comments and responses summary report. This report will be available at the same locations as the preliminary plans and environmental document for this project, which are:

1. U.S. 31 Limited Access Project Website <https://www.in.gov/indot/4277.htm>
2. INDOT Greenfield District – 32 South Broadway, Greenfield, Indiana 46140
3. Butler, Fairman and Seufert, Inc. – 8450 Westfield Boulevard, Suite 300, Indianapolis, Indiana 46240
4. Hamilton North Public Library – 209 W. Brinton Street, Cicero, Indiana 46034
5. Sheridan Public Library – 103 W. 1st Street, Sheridan, Indiana 46069
6. Atlanta Public Library – 100 South Walnut Street, Atlanta, IN 46031

This information will remain available for review at the above-listed locations for a period of two weeks following tonight's public hearing presentation or until October 14, 2021.

Thank you for your participation in this public hearing.

Very truly yours,

BUTLER, FAIRMAN and SEUFERT, INC.

Neal Bennett

nbennett@bfsengr.com

PROJECT ABSTRACT

The project proposes to analyze all existing cross streets to U.S. 31 along the corridor for conversion either to cul-de-sacs (east and west of U.S. 31), new overpasses, or new interchanges. Initial considerations for cross streets within the project area are provided in the tables below.

HAMILTON COUNTY

Intersecting Roadway	Initial Considerations for Intersection Treatments	Notes	Funding Year
216th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2023
226th Street	Proposed Overpass	Part of Subject Study	FY 2023
236th Street	Proposed Interchange	Project of Independent Utility	FY 2022
241st Street	Proposed Cul-de-sac	Project of Independent Utility	FY 2022
246th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024
256th Street	Proposed Cul-de-sac	Part of Subject Study	FY 2024
266th Street	Proposed Overpass	Part of Subject Study	FY 2024
276th Street	Proposed Interchange	Part of Subject Study	FY 2022
281st Street	Proposed Cul-de-sac	Part of Subject Study	FY 2022
286th Street	Closed Median and Allow Right-turn in and Right-turn out only	Part of Subject Study	FY 2022

The proposed project area is approximately 7.5 miles long. The project will require approximately 390.39 acres of permanent right-of-way and approximately 16.16 acres of temporary right-of-way. It is anticipated there will be nineteen residential relocations and five commercial relocations.

The Maintenance of Traffic (MOT) plan for the project is under development, however no major restrictions on US 31 mainline are anticipated. Where new overpass bridges are proposed for construction, traffic will be detoured along cross streets where new overpass bridge construction is proposed. Cross streets that are to be turned into cul-de-sacs will experience a permanent traffic alteration. Proposed interchange areas will utilize phased construction to maintain traffic. Initial stages of construction expected to begin in Summer 2022. Access to all properties will be maintained during construction. INDOT will coordinate with emergency services, local school corporation officials and project stakeholders to ensure potential disruptions and impacts are minimized as much as possible.



**US 31 Limited Access
from SR 38 to 286th St**
Preliminary Intersection Treatments

Be assured your comment will be included in the official project file if forwarded within two weeks of the hearing date (postmarked by October 14, 2021).

Hearing Date:
Tuesday, September 28, 2021

Project:
US 31 Limited Access Project
Hamilton County, IN
Des #: 1900096 et. al.

Name: (Please use ink pen and print)_____

Address: _____

[illegible]

SIGNATURE: _____

fold on line

PLACE
STAMP
HERE

Neal Bennett
Butler, Fairman and Seufert, Inc.
8450 Westfield Boulevard, Suite 300
Indianapolis, IN 46240

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PUBLIC HEARING

US 31 Limited Access Project
SR 38 to 286th Street, Hamilton County

Tuesday September 28th, 2021

Welcome

- **Meeting Format**
 - A. Presentation
 - B. Public Comments
- Informal Q and A in project display area with project engineers and environmental professionals following the meeting
- Information Packets

Project Team



Jennifer Beck

INDOT Project Manager, Greenfield District
jbeck@indot.in.gov
317-525-4995



Andrea Langille

Project Manager
Butler, Fairman and Seufert, Inc
alangille@bfsengr.com
317-713-4615



Neal Bennett

Environmental Studies Manager
Butler, Fairman and Seufert, Inc
nbennett@bfsengr.com
317-713-4615



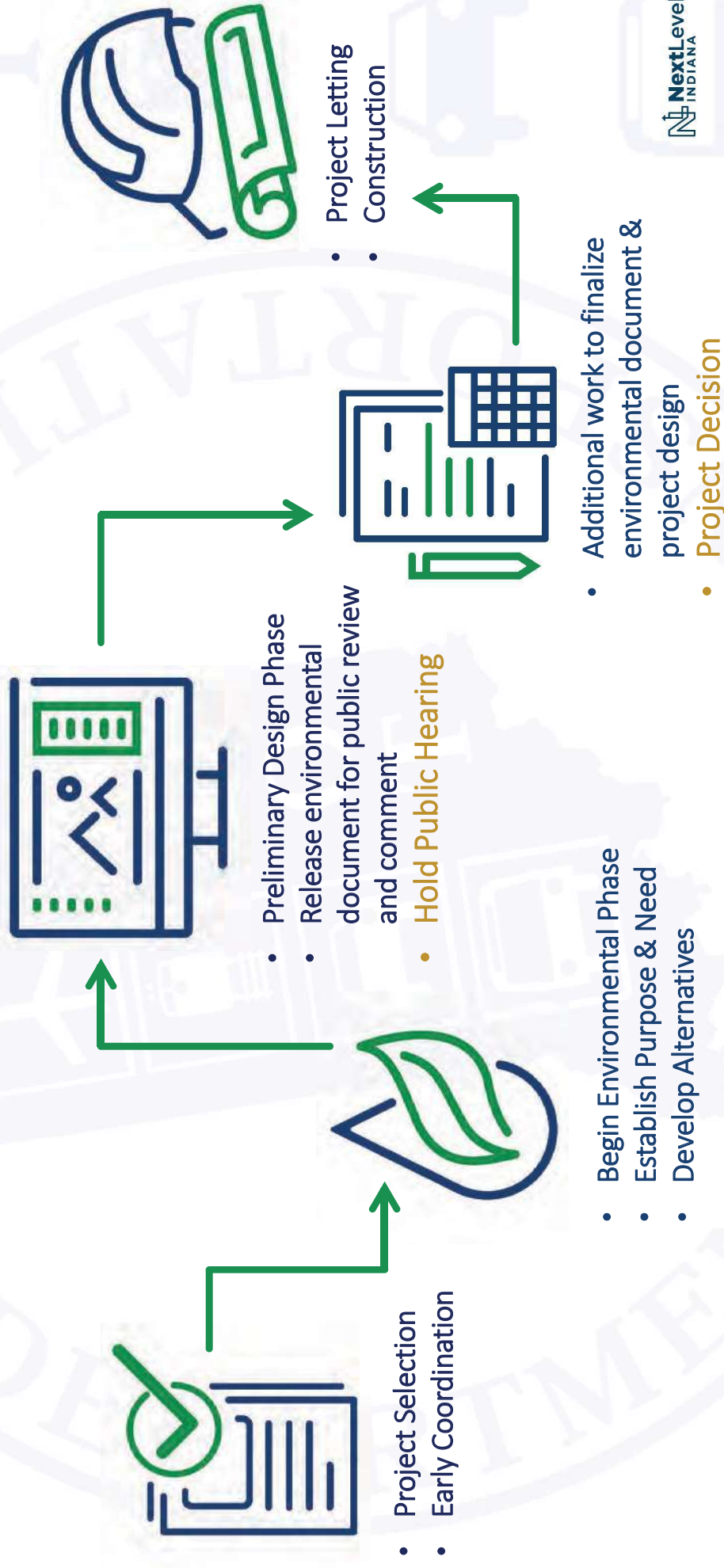
Adam Burns

Senior Project Manager
CMT | Engineers and Consultants
aburns@cmtengr.com
317-492-9159

Purpose of the Hearing

- Introduce this project to the community
- Explain how a project is developed
- Discuss purpose and need for the project
- Explain the National Environmental Policy Act (NEPA) Process
- Present a preliminary proposal for consideration
- Solicit input from the community

Project Development



Need and Purpose

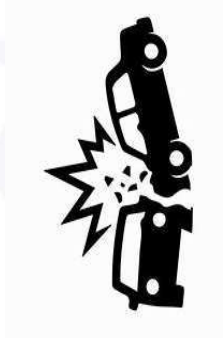
Need

- High Vehicle Crash Rates

Purpose

- Reduce the overall number of vehicular crashes along US 31 by up to 40% while maintaining access to US 31 and cross community connectivity at select locations

US 31 Crash Data Summary for Hamilton County		
	2014-2016	2018-2020
Number of Crashes	152	296
Number of Injuries	53	57
Number of Fatalities	0	3
Number of Deer	34	33
Crash Rate		
(crashes per mile per year)	5.96	11.61



Environmental Document

National Environmental Policy Act (NEPA)

- Federal guidelines require INDOT to analyze and evaluate the impacts of the project to the natural and socio-economic environments including:
 - Right-of-way
 - Streams, Wetlands, and other Waters
 - Floodplains
 - Sole Source Aquifers
 - Source Water Protection
 - Endangered Species
 - Wildlife and Waterfowl Refuges
 - Farmland
 - Cultural Resources (historic/archaeological)
 - Parks and Recreation Lands (trails)
 - Property Impacts
 - Air Quality
 - Noise
 - Community Impacts
 - Environmental Justice
 - Hazardous Materials
 - Public Facilities and Services

Environmental Document

- NEPA is a decision-making process
 - Establish Purpose and Need
 - Develop and Evaluate Alternatives
 - The “Do Nothing” alternative is a baseline for comparison
 - Determine Preferred Alternative
 - Impacts are analyzed, evaluated and described in the NEPA document
 - What impacts will there be?
 - Can these impacts be avoided or minimized?
 - If not, what mitigation will be required?
- The Draft Environmental Document released for public involvement
 - Date: August 17, 2021
 - Available for review and comment via public repository

Environmental Document

- Hold Public Hearing
- Solicit public comment of environmental document
- Address and consider public comment as part of decision-making process
- After comment period, FHWA will issue record of decision identifying preferred alternative
- Finalize and approve environmental document

Alternatives Considered

Alternatives Analyzed

Three alternatives were evaluated for each of the seven intersections. Those three alternatives were intersection treatment options:

- overpass
- interchange
- cul-de-sac



Advisory Committees

Section 106 Consulting Parties

- National Historic Preservation Act (NHPA) prescribes consideration of historic properties
- Consulting parties group consisting of numerous stakeholders to provide input on preferred alternative

Community Advisory Committee

- Group of diverse community background to provide community input/opinions
- Two meetings held to discuss project alternatives

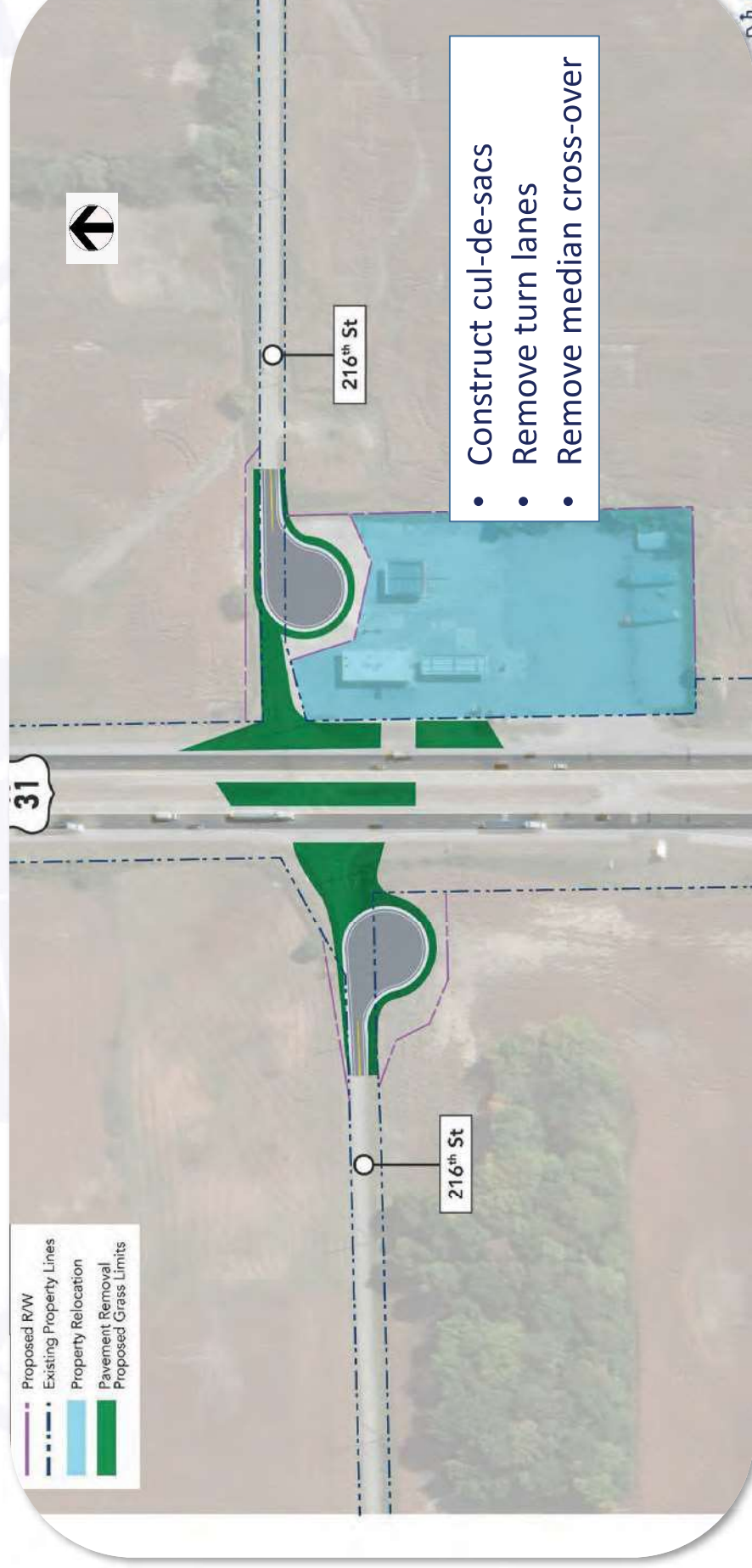
Public Information Meetings

- Two meetings held (Sept. 1, 2020 and April 21, 2021)
- 70 – 75 people attended each and comments provided were evaluated

Preferred Alternative



216th Street



226th Street



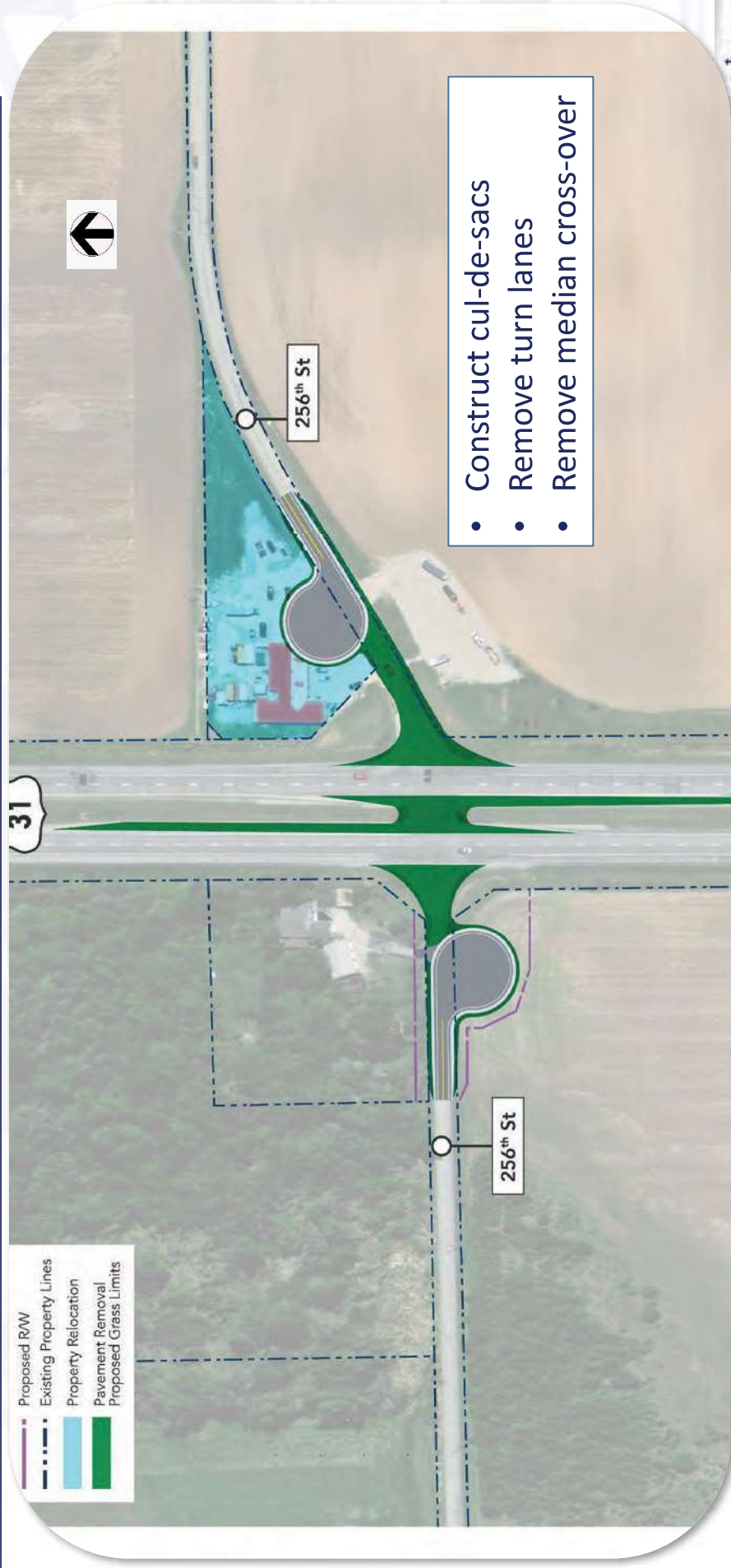
236th Street Interchange



246th Street



256th Street



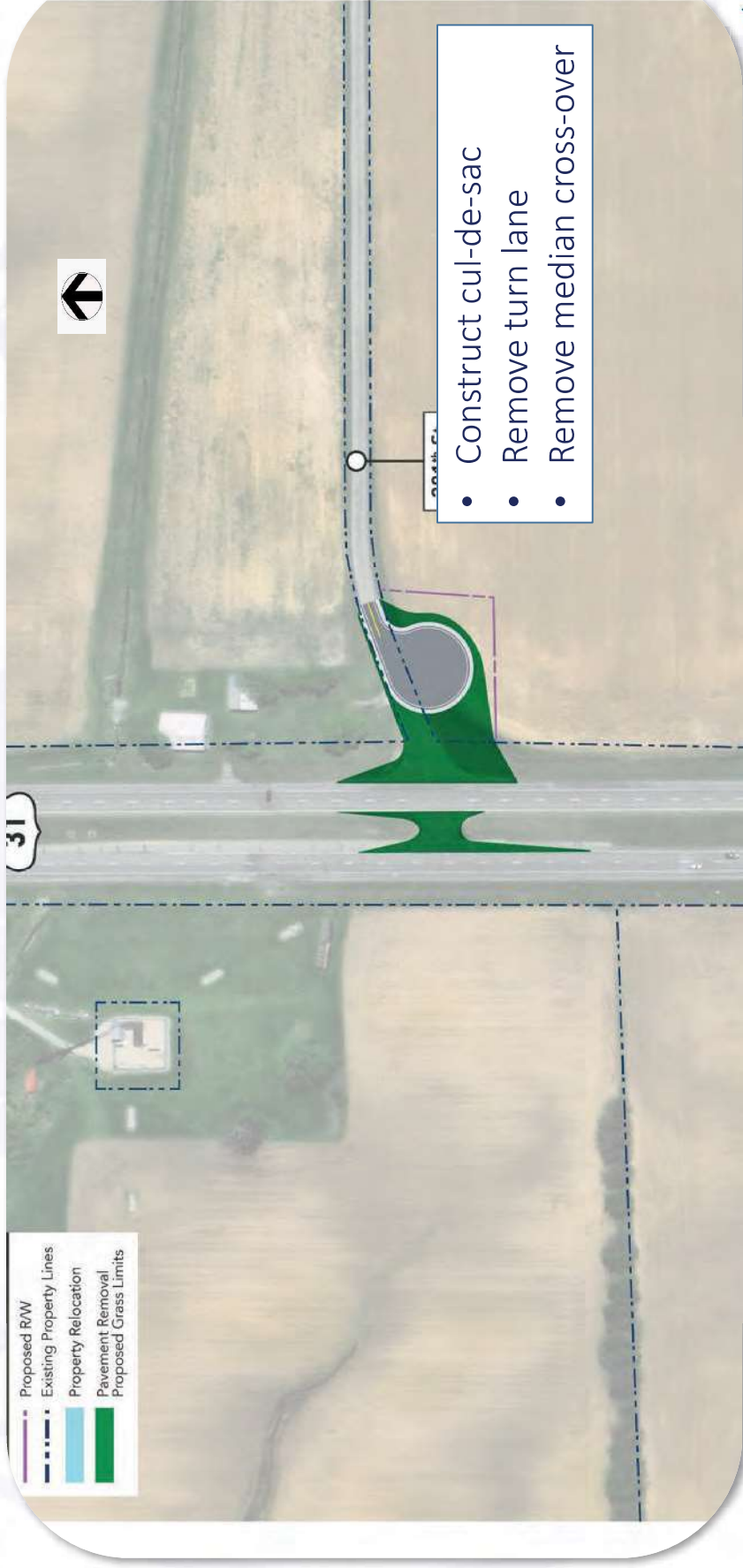
266th Street



276th Street Interchange



281st Street



Potential Impacts of Preferred Alternative

Right-of-way

- 390.39 acres – Total Acreage Permanent
- 16.16 acres – Total Acreage Temporary
- 24 relocations

Historic Properties

- 1 NRHP eligible property may be impacted

Protected Species

- No impacts to protected species are expected

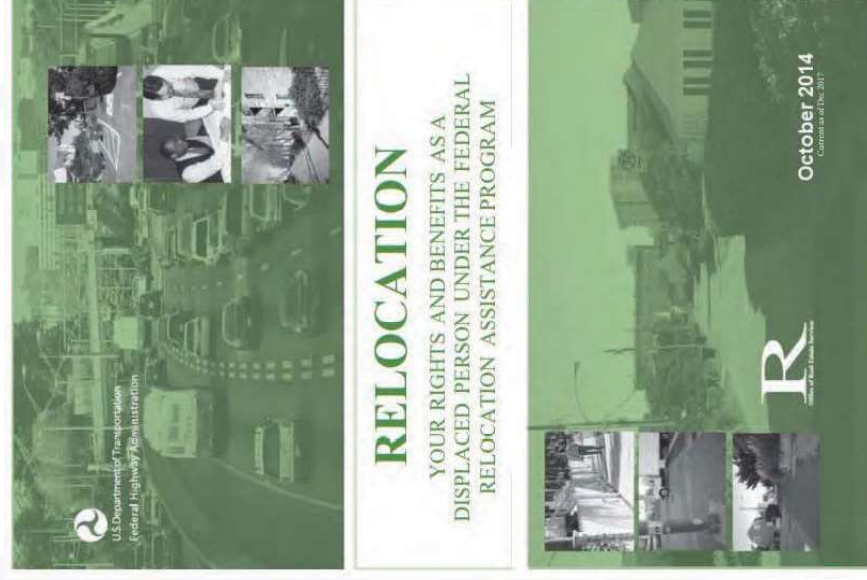
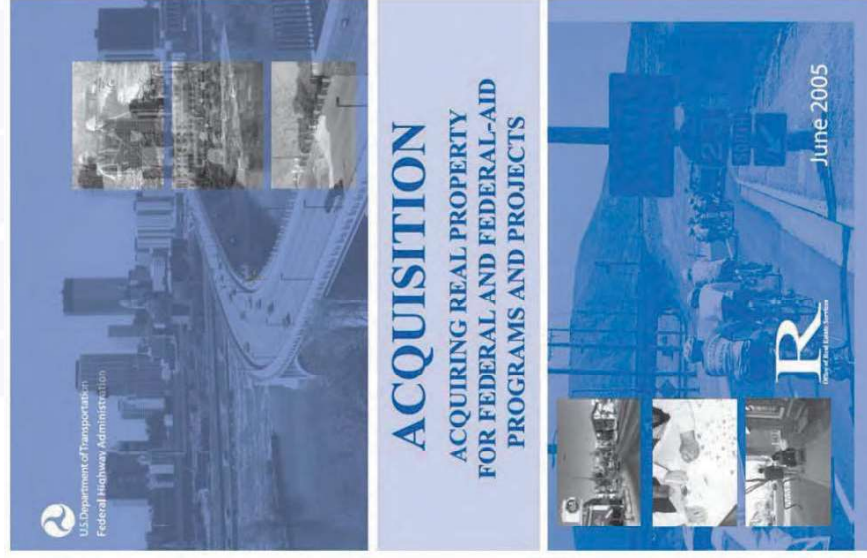
Noise Impacts

- Noise studies were completed and approved
- With design year traffic, no receptors were impacted

Maintenance of Traffic (MOT)

- Sensitive times for closures such as harvest
- Project to be constructed under traffic
- Required lane closures during construction
- Temporary closure and detour will be required for 226th, 266th, and 276th
- Phased construction to allow traffic to shift to one side while work continues on the other side

Real Estate



Real Estate Acquisition Process

“Uniform Act of 1970”

- All federal, state and local governments must comply
- Requires an offer for just compensation

Acquisition Process

- Appraisals
- Review Appraisals
- Negotiations
- Relocation Assistance
- INDOT and Consultant Real Estate Team to work with impacted property owners

Right-of-way

- Permanent ROW: 390.39 acres
 - Permanent ROW is land, once purchased by INDOT from legal landowner, becomes ROW owned by INDOT
- Temporary ROW: 16.16 acres
 - Temporary ROW is land required during the construction of a project and is used for the purposes of construction related activity
- INDOT pays legal landowner a fee for land use during construction

Project Schedule

- Public Comment Period: September 14, 2021 to October 14, 2021
- Public Hearing: September 28, 2021
- Project Utility Relocations and Building Demolitions:
 - Beginning Spring 2022 and continuing through 2024
- Project Awards and Begin Project Construction:
 - Spring 2022 - 276th Street
 - Summer 2022 – US 38 to 236th Street
 - Summer 2023 – 241st Street to 276th Street

Submit Public Comments

- Submit public comments using the options described in the first page of information packet:
 - Public comments form (submitted tonight), by mail, or at libraries and offices where the EA is available for review)
 - Email: bfsenviron@bfsengr.com
 - Participate during public comment session via microphone
 - Record verbal comments on the project phone line to be transcribed and included in public hearing transcript, INDOT Toll Free Number: 855-INDOT4U (468-6848) Mention U.S. 31 Limited Access in Hamilton County, IN
 - **INDOT respectfully requests comments be submitted by Thursday, October 14, 2021**
 - All comments submitted are included in the public hearings transcript and made part of the public record
 - Comments are reviewed, evaluated, and given consideration during the decision-making process

Next Steps

Public and project stakeholder input

- Submit comment via options described on page 1 of information packet

INDOT review of public comments

- All comments are given full consideration during decision-making process
- Finalize/approve NEPA document, complete project design

Communicate a decision

- INDOT will notify project stakeholders of decision
- Work through local media, social media outlets, paid legal notice
- Make project documents accessible via repositories

Questions? Contact Public Involvement Team

Comment Session

- Please be considerate of others
- Please wait on microphone before speaking
- Please state your name before providing your comments
- Questions? Please see Project Staff in the Open House area
- Comment must be submitted by October 14, 2021

Thank You

Again, thank you for taking time out of your day to partner with INDOT on the US 31 Limited Access Upgrade. The recording of public comments will begin shortly.

US 31 Limited Access from SR 38 to 286th Street Public Hearing Script

Slide 1

Welcome to the public hearing for the US 31 Limited Access Project from SR 38 to 286th Street, in Hamilton County, Indiana. Thank you for taking the time to be here tonight.

Slide 2

This is a short presentation that will provide an overview of the project before the public comments are recorded.

There is an area displaying graphics of the project area and the project engineers and environmental professionals will be available for informal discussions following the public comment session.

This area also has information packets that describe the project along with information related to right-of-way acquisition and relocation.

Slide 3

The project team consists of Jennifer Beck, INDOT Project Manager at Greenfield District. She is the lead for the project.

Andrea Langille, Project Manager at BF&S

Neal Bennett, Environmental Studies Manager at BF&S

And Adam Burns, Senior Project Manager with CMT

Slide 4

The purpose of the hearing is to introduce the public to the proposed project, explain how a project is developed, provide an overview of the purpose and need, explain what the National Environmental Policy Act or NEPA process is and how it works, present preliminary design information, along with solicit input from the community.

Slide 5

The development of a project like the US 31 Limited Access Project occurs from the identification of a need. The project is then programmed and INDOT selects a consultant to help them with moving the project forward. The consultant then begin early coordination with project stakeholders. From there the NEPA process begins and alternatives are developed. Preliminary design and Draft NEPA documentation is completed, and a public hearing is held. After the hearing, the NEPA document is finalized, and a decision is made on that document by INDOT and FHWA. After that decision, the project design is completed, and the project is then constructed.

Slide 6

This project is needed due to the high vehicle crash rates that occur along this portion of US 31. As you can see from the table, there were 152 reported crashes between 2014 and 2016 and 296 reported crashes between 2018 and 2020.

The purpose of the project is to reduce the number of vehicular crashes along US 31, while maintaining access to US 31 for cross community connectivity at select locations along the corridor.

Slide 7

The National Environmental Policy Act or NEPA requires a project sponsor, in this case INDOT, to analyze and evaluate the impacts of a proposed project on the natural and socio-economic environments nearby that project.

These include impacts to streams, wetlands, farmland, endangered species, and cultural resources, such as historic buildings and archaeological sites. It also requires studies that evaluate potential impacts from an increase in noise, impacts to communities, and property effects, among many other resource evaluations.

The NEPA document otherwise referred to as environmental document is the summation of several studies that analyze and evaluate these impacts that will occur from the proposed project.

Slide 8

NEPA is a decision-making process that uses the environmental document as a tool in that decision-making.

The document evaluates the impacts from the project alternatives, including a do-nothing scenario, and compares the alternatives to the purpose and need. What impacts are there? Can these impacts be avoided? If not, what mitigation may be needed.

After evaluation of impacts a preferred alternative is determined.

The Draft NEPA document for this project has been completed and was released for public involvement by FHWA and INDOT. This document is available for review and comment via public repository. It can be reviewed at several local libraries, here tonight, or on the web. Those locations were listed in the public notice and in the information pamphlet available in the open house area.

Slide 9

Now that the draft environmental document is approved we are here tonight to hold a public hearing.

We are asking for input from the community on the project and will provide the public with an overview of the current findings that are part of the NEPA study that is ongoing. The NEPA study includes evaluation of impacts and the public comments on those potential impacts.

After the public hearing, the project team shall address and consider all public comments received as part of the decision-making process. Once the comment period has ended, the environmental document shall be finalized with the preparation of a Finding of No Significant Impact, or FONSI, request to the FHWA. The NEPA process is completed with the issuance of the FONSI by the FHWA.

Now that we have discussed the NEPA process, let's dive into the details for the US 31 Limited Access Project as proposed through Hamilton, County.

Slide 10

Intersections are planned points of conflict in a roadway system. It's these points of conflict that are the primary contributing factor to the high vehicle crash rates experienced along this portion of US 31. As a result, the project requires limiting access to US 31 in order to reduce those vehicle crash rates. Therefore, four alternatives were evaluated for each of the seven intersections present in the project area.

Those alternative options included do-nothing scenario, or the conversion of the intersection to a cul-de-sac, overpass, or interchange. These treatment options reduce the access to US 31, while still allowing for cross community connectivity and access to US 31 at specific locations.

Slide 11

Due to the proposed changes to the US 31 corridor, the Project Team sought input from several advisory groups to aid in the decision-making process. Those included consulting parties that provided input on the potential for historic resources in the study area. These resources are evaluated under Section 106 of the National Historic Preservation Act. The result of this process determined that 1 potential historic property may be impacted.

In addition to consulting parties, Community Advisory Committees provided input to the project team at various stages of the planning process. These committees are composed of a group of individuals from the community with diverse backgrounds. These groups provide input and opinions on the proposed project alternatives, helping inform the project team of community concerns, future plans in the area, and other pertinent information.

In addition to the input provided by these two groups, two public information meetings were also held, one on September 1, 2020, and another on April 21, 2021 at the East Union Christian Church located at 296th Street and US 31. These meetings introduced the project to the public, allowed for question and answer between the public and the design team, and allowed for the design team to receive public comments which were incorporated into the planning process.

Slide 12

The preferred alternative was developed from engineering studies, public input, and environmental impact analysis. The preferred alternative proposes that the project begin at SR 38 and end at 286th Street in Hamilton County and includes the modification to seven intersections within that stretch of the US 31 corridor in addition to removing driveway access and median crossovers throughout the corridor in order to reduce points of conflict. Median Cable barrier is also proposed along the corridor.

Slide 13

This is a rendering of the proposed conversion of 216th Street into cul-de-sacs. The areas shaded in green are the pavement areas that will become grass areas and the area shaded blue is a property relocation that must occur to maintain limited access.

Slide 14

This is a rendering of the proposed conversion of 226th Street into an overpass including a new bridge spanning US 31 carrying 226th Street over the highway and a new north/south access road to the east of the intersection with US 31. Two relocations must occur since access to these properties must be removed to meet the intent of the project which is to reduce points of conflict.

Slide 15

This is a rendering of the 236th Street interchange project that is being done separately from this proposal under Des No 1702149. This project is being mentioned here since it played a role in the development of the preferred alternative for this study which falls under Des No 1900096.

Slide 16

This is a rendering of the conversion of 246th Street into a cul-de-sac, and the current pavement areas that will be transitioned into grassland including the removal of the median crossover.

Slide 17

This rendering illustrates the conversion of 256th Street into cul-de-sacs, including a relocation in the northeast quadrant of the intersection. Also included is the removal of the median cross over, turn lanes and their replacement with grassland.

Slide 18

This is a rendering of the proposed conversion of 266th Street into an overpass. It shows the slight realignment of the east approach to the south and the relocation of a residential property northwest of the intersection. This relocation must occur due to its proximity to the western approach to the overpass. Thereby removing a point of conflict.

Slide 19

This is a rendering of the proposed conversion of 276th Street into an interchange. This includes on/off ramps and bridge improvements carrying US 31 over Little Cicero Creek. New interchange ramps to allow access between 276th Street and NB US 31 will be constructed in the southeast quadrant of the existing intersection, and new interchange ramps to allow access between 276th Street and SB US 31 will be constructed in the northwest quadrant of the existing intersection. The existing access drive serving the commercial business in the southwest quadrant will be relocated to the west and connect to 276th Street approximately 450 feet west of its current location. The 276th Street interchange portion

of the project will also include roadway reconstruction and widening work along 276th Street from Dunbar Road otherwise known as East 11th Street, to US 31.

Slide 20

This is a rendering of the proposed conversion of 281st Street into a cul-de-sac. This also includes the removal of the median crossover and its conversion into grassland.

Slide 21

This rendering is of the proposed transition of the project back to existing conditions at 286th Street. The turn lanes and the median cross over will be removed, still allowing right turns to continue at this intersection.

Slide 22

The potential impacts from the construction of the preferred alternative includes the acquisition of approximately 390.39 acres of permanent right-of-way, approximately 16.16 acres of temporary right-of-way, and the relocation of 24 properties. There is the potential to impact one property eligible for the National Register of Historic Places. No protected species impacts are anticipated. In addition, noise studies were completed and receptors were identified; however no abatement measures were determined to be reasonable for feasible in this case.

Slide 23

In order to construct the project, temporary impacts to the motoring public will occur from maintenance of traffic. The Project Team is aware of sensitive times for lane closures and intersection closures such as harvest season. It is anticipated that the project will be constructed under traffic, with some lane closures occurring, but through traffic along US 31 will be maintained. Phased construction will allow traffic to shift to one side while work continues on the other side. Temporary closure and detour of 226th, 266th, and 276th streets will be required during the modification of those intersections.

Side 24

As previously mentioned, right-of-way acquisition and relocation will be required. These are the cover graphics of pamphlets that are available to you if you wish to review them. Copies of these pamphlets are in the open house area here tonight or you can visit the websites listed here to view these documents.

Slide 25

Right-of-way acquisition shall follow the Uniform Act of 1970 which requires an offer for just compensation. An appraisal will be completed on the subject property, then a review of that appraisal will occur. Once the appraised value is approved, an offer will be presented to the property owner. Once the offer is accepted, the property will be conveyed to and owned by INDOT. INDOT and the Consultant Real Estate Team will work with impacted property owners, including those that require

relocation. If an agreement cannot be reached, INDOT may seek to initiate condemnation proceedings through the eminent domain process.

The project also requires temporary right-of-way, which is land needed for construction-related purposes such as staging. For these rights, INDOT purchases a temporary interest in the land through the same process previously mentioned, but the interest dissolves upon completion of the project.

Slide 26

The current schedule for the project includes the public comment period which began on September 14, 2021 and will continue through October 14, 2021. Following that a decision will be made on the NEPA document. From there the utility relocations and building demolitions will begin in spring 2022 and continue through 2024. Project Awards and construction will begin in Spring 2022 for the 276th Street Interchange, in summer 2022 for the portion of the project between SR 38 and 236th Street and in the summer of 2023 for the section of US 31 from 241st Street to 276th Street.

Slide 27

There are several options available to you to provide comments on the project. Following this presentation there will be the opportunity to voice your comments for the public record. The comments spoken tonight, shall be recorded, and included in the public hearing transcript. You can provide your comments by mail, you can submit them at the libraries and offices where the NEPA document is on display, you can email them to bfsenvirom@bfsengr.com, or you can call the Toll Free number 855-INDOT4U which is 468-6848 and record comments there, which will be transcribed and included in the public hearing transcript. If you call the toll-free number make sure to mention the US 31 Project in Hamilton County so those comments are routed to the correct recipient. No matter how you provide your comments, they are all treated equally, and are given consideration during the project planning and NEPA document preparation.

Slide 28

Following the hearing, the comment period will remain open until October 14, 2021. Once all comments are received, the comments will be considered and included in the NEPA document. The NEPA document will then be updated and submitted to INDOT and FHWA for FONSI decision. INDOT will notify stakeholders of that decision and make the project documents available via public repositories such as libraries, the web, and project team offices. If you have any questions, please feel free to contact a member of the project team.

Slide 29

We are approaching the public comments portion of the hearing. Just a few housekeeping items, first, there is a speaker sign-in sheet located in the open house area. Those who signed up shall speak first and in the order in which they signed up. Then it will go to the first come first served basis. Please be considerate of others, please wait on the microphone before speaking, please state your name before providing your comments. The public comment portion is not a question-and-answer session. Commenters will simply state their comments for the public record. If you have questions, please see project staff in the open house area following the comment session. Remember, even if you do not wish

to provide verbal comments tonight, we ask that all public comments be submitted by October 14, 2021 via any of the means that have been previously described.

Slide 30

Again, thank you for taking the time out your day to partner with INDOT on the US 31 Limited Access Project in Hamilton County. The recording of the public comments will begin shortly.

In the Matter Of:
INDIANA DEPARTMENT OF TRANSPORTATION

September 28, 2021



Telephone: 765.644.3040
EMAIL: info@cardinalcourtreporting.com

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INDIANA DEPARTMENT OF TRANSPORTATION
US 31 LIMITED ACCESS UPGRADE FROM SR 38
TO 286TH STREET, HAMILTON COUNTY

PUBLIC HEARING COMMENTS

SEPTEMBER 28, 2021

Remnant Coffee Shop
101 W. Main Street
Arcadia, IN

Transcript of the Public Comments given in
the aforementioned proceedings, before Joyce
E. Shinault, RPR, Notary Public in and for
the County of Shelby, State of Indiana.

CARDINAL COURT REPORTING
P.O. Box 249
Morristown, IN 46161
Telephone: (765) 644-3040
info@cardinalcourtreporting.com
www.cardinalcourtreporting.com

DEPOSITION UPON ORAL EXAMINATION OF:

Page 2

1 IN ATTENDANCE:

2 Mr. Neal Bennett, PWS
3 BF&S Civil Engineers
4 8450 Westfield Blvd., Suite 300
Indianapolis, IN 46240
nbennett@bfsengr.com

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MR. BENNETT: So at this point, the speaker sheet has Kelei Bakerleak listed. If you'd like to come up and provide your comments, we'd appreciate it.

MS. KELEI BAKERLEAK: Hello, this is Kelei Bakerleak, and I have a question with the chart that we were given. And it talks about the road and what's proposed, and then its Funding Year. When it says Funding Year, does that mean the year that it's actually happening, or is that a year before? I'm just trying to understand what -- what the money means as opposed to what's happening, what the next project is. Thank you.

MR. BENNETT: Thank you for your comments.

Next I have Mike Hartley.

MR. MIKE HARTLEY: My name is Mike Hartley. And my question is basically like Kelei's, about the funding and when you're going to negotiate with the landowners about the project. Is it going to be the year it's funded or the prior year? And then

1 in reading the documents, the farmhouses and
2 barns that are going to be torn down, it
3 looked like in the project you were going to
4 own the ground under easement and then sell
5 it back to the property owners, is what I'm
6 reading on the screen. So that was my
7 question.

8 MR. BENNETT: Thank you for your
9 comments. That's the end of the speaker
10 signup sheet. Is there anybody else that has
11 comments this evening for the public record?

12 Anybody else that would like to
13 provide comments on the public record?

14 Yes, ma'am.

15 MS. MARY BRIGGS: My name is Mary
16 Briggs. And I'm wondering about the
17 businesses along 31. Will they have access
18 to 31 or another roadway? Such as, I go to
19 Ace Metal, how am I going to get there and
20 get out of there? Wilson's Farmers Market,
21 what about that company?

22 MR. BENNETT: Thank you for your
23 comments.

24 Yes, sir.

25 MR. MARK HEIRBRANDT: Mark

1 Heirbrandt, Hamilton County Commissioner. My
2 question is, is we have a lot of farmers up
3 in this community. And I'm just making a
4 comment to make sure that when these roadways
5 are built, that they can handle that farm
6 equipment to be able to travel over US 31,
7 whether they're coming from Arcadia or
8 Sheridan; making sure that it's feasible for
9 this -- for that piece of equipment to be
10 able to safely get across.

11 MR. BENNETT: Thank you for your
12 comments.

13 Anybody else with comments for us?
14 Usually when we get the ball rolling that
15 kind of breaks the ice, but -- those are all
16 great comments, and we can certainly address
17 those at the question and answer portion
18 after this section if you'd like to see one
19 of the project team members after the
20 comments section.

21 Yes, ma'am.

22 MS. KELEI BAKERLEAK: Kelei
23 Bakerleak. As we're doing overpasses, are we
24 planning for the infrastructure to help
25 support these communities with -- whether

1 that be fiberoptics, whether that be -- we're
2 kind of sketchy up here with adequate
3 coverage for Internet. And so are we
4 planning with those overpasses to connect the
5 areas to infrastructure support?

6 MR. BENNETT: Good comment.

7 Yes, sir? Please state your name.

8 MR. STEVE SCHWARTZ: Thank you.
9 Steve Schwartz, Hamilton County Council. And
10 one of my concerns is that we have some type
11 of an emergency entrance to get onto 31 if we
12 need to get our rescue folks -- it will just
13 save on response time. So if we could
14 address -- you know, obviously, we're going
15 to have full access, but if we have
16 emergency-type access, I think it will save
17 lives. Especially off 266th Street. Thank
18 you.

19 MR. BENNETT: Thank you for your
20 comments.

21 Anyone else?

22 If something comes to you later
23 tonight that you want to make sure that you
24 put it in the public record, like I said, you
25 can email that to me. My business card is

1 located on the table back there. Also, if
2 you picked up this information packet, our
3 contact information is available in here and
4 it explains the different ways that we can --
5 that you can send a comment to me.

6 This document, if you didn't see it,
7 is a copy of all the slides. It's not as
8 loud as my voice, so you may prefer reading
9 that. This packet right here is the pamphlet
10 that was shown in the presentation related to
11 information on relocation. If you're one of
12 the property owners that might be potentially
13 relocated, there is some good information in
14 here on what you can expect on how that
15 process works. And again, this one is the
16 one related to acquisition. So if you are a
17 property owner that may have property
18 acquired from you, then this also has good
19 information on how -- what you can expect
20 coming forward.

21 At this time, is there any more?
22 I will ask Jennifer if she wants to keep that
23 open for a few minutes or whether she wants
24 to close it.

25 So I guess what we'll do, since we

1 don't have anyone else that would like to
2 speak tonight, we will go ahead and close the
3 public comment section of the hearing and we
4 will move to the open house portion where we
5 can answer questions to the best of our
6 ability. This part of it will not be part of
7 public record. So before we do that, any
8 last folks?

9 Yes, ma'am?

10 MS. MARY BRIGGS: Just out of
11 curiosity --

12 MR. BENNETT: State your name.

13 MS. MARY BRIGGS: Oh, Mary
14 Briggs. Just out of curiosity, if you,
15 INDOT, purchases the farmhouse and the barn,
16 and it's going to be demolished, which I hate
17 to see barns being demolished, will the
18 landowner be able to take any part of that
19 building, either buildings, and keep it? I
20 know it's going to be -- it's going to be
21 part of the assessment, but maybe an old barn
22 with the old beams and everything? I just
23 think about historical barns. Thank you.

24 MR. BENNETT: Sure. Thank you
25 for your comment.

1 Anyone else?

2 Seeing none, I will go ahead and
3 close the public comment portion of the
4 hearing. Thank you all very much.

5 (Whereupon, the public comments
6 section was concluded at 6:30 p.m.)

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Page 10

CERTIFICATE OF COURT REPORTER

7 That I reported to the best of my ability
in machine shorthand all of the words spoken by
8 all parties in attendance during the course of
the ensuing proceedings;

12 I do further certify that I am a
13 disinterested person in this cause of action;
14 that I am not a relative or attorney or employee
15 of any of the parties; that I am not a relative
of an employee of such attorney or counsel; and
that I am not financially interested in this
action.

16 IN WITNESS HERETO, I have affixed my
Notarial Seal and subscribed my signature below
17 this 14th day of October, 2021.

Joyce E. Shinault
Joyce E. Shinault, RPR, Notary Public

Commission No. 670403 expires:
23 September 8, 2023

24 County of Residence:
Shelby

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Public Hearing Comments for US 31 Limited Access Project, Hamilton County, IN

Des No 1900096 et.al.

Comment:

Ms. Kelei Baker-Leak: Hello, this is Kelei Baker-Leak, and I have a question with the chart that we were given. And it talks about the road and what's proposed, and then its funding year. When it says funding year, does that mean the year that its actually happening, or is it a year before? I'm, just trying to understand what...what the money means as opposed to what's happening, what the next project is. Thank you.

Response:

The year funding year noted with each part of the project represents the fiscal year in which the contract will go to bid, and a contractor will be selected. The state fiscal year runs from July 1 through June 30th so a fiscal year letting in 2022 would happen between July 1, 2021, and June 30, 2022. Construction will start after the bidding process is complete.

Comment:

Mr. Mike Hartley: My name is Mike Hartley. And my question is basically like Kelei's, about the funding and when you're going to negotiate with the landowners about the project. Is it going to be the year it's funded or the prior year? And then in reading the documents, the farmhouses and barns that are going to be torn down, it looked like in the project you were going to own the ground under easement and then sell it back to the property owners, is what I'm reading on the screen. So that was my question.

Response:

RW negotiation occurs before the bidding process. Generally, it begins after the environmental process is underway and after the plan development is far enough along to define the exact right-of-way needs.

On those properties that require buildings to be removed because of the project, INDOT will present an offer to purchase the land and the structures. INDOT will arrange to have the structures demolished. During right-of-way negotiations, the property owners can negotiate to maintain the land or structures that are not in direct conflict with the project if they desire.

Ms. Mary Briggs: My name is Mary Briggs. And I'm wondering about the businesses along US 31. Will they have access to 31 or another roadway? Such as, I go to Ace Metal, how am I going to get there and get out of there? Wilson's Farmers Market, what about that company?

Response:

Businesses along US 31 that currently have access only from US 31 will need to be relocated as part of this project unless alternate access is available. In the case of Ace Metal, access is currently off 226th Street. This access will be maintained. Wilson's Farmers Market is currently shown as needing to be relocated due to the proposed construction of a cul-de-sac at 256th Street.

Comment:

Mr. Mark Heirbrandt: Mark Heirbrandt, Hamilton County Commissioner. My question is, is we have a lot of farmers up in this community. And I'm just making a comment to make sure that when these roadways are built, that they can handle that farm equipment to be able to travel over US 31, whether they're coming from Arcadia or Sheridan; making sure that it's feasible for this...for that piece of equipment to be able to safely get across.

Response:

The proposed overpasses and interchanges along US 31 will be designed with a clear-roadway width of 40'0" and designed for HL-93 loading which will accommodate farm vehicles.

Comment:

Ms. Kelei Baker-Leak: Kelei Baker-Leak. As we're doing overpasses, are we planning for the infrastructure to help support these communities with...whether that fiberoptics, whether that be...we're kind of sketchy up here with adequate coverage for Internet. And so, are we planning with those overpasses to connect areas to infrastructure support?

Response:

The project proposes to improve safety along US 31. Adding fiberoptic infrastructure is not in the scope of work. However, existing utilities that will conflict with the project will be relocated as part of the project. Existing level of service will be maintained. The project will be installing conduit along US 31 as it has been identified as a Broadband Corridor. More information on what it means to be a Broadband Corridor can be found here [https://www.in.gov/indot/doing-business-with-indot/permits/broadband-access-permit-\\$55/broadband-corridors/](https://www.in.gov/indot/doing-business-with-indot/permits/broadband-access-permit-$55/broadband-corridors/).

Comment:

Mr. Steve Schwartz: Thank you. Steve Schwartz, Hamilton County Council. And one my concerns is that we have some type of an emergency entrance to get onto US 31 if we need to get our rescue folks...it will just save on response time. So, if we could address...you know, obviously, we're going to have full access, but if we have emergency-type access, I think it will save lives. Especially off 266th Street. Thank you.

Response:

Several discussions have occurred to date with various emergency response teams (ERTs) throughout Hamilton County and discussions will continue throughout project development. The following ERTs were invited to participate in our Community Advisory Committee (CAC), Hamilton County Sheriff's Office, Indiana State Police, Jackson Township Fire Department, Town of Arcadia Police Department, Town of Cicero Fire Department, Town of Cicero Police Department, Riverview Hospital, Sheridan Fire Department, Cicero Township Volunteer Fire Department and Hamilton County Emergency Management. Of these invitees, the following ERT's responded and engaged in our CAC, Hamilton

County Sheriff's Office, Jackson Township Fire Department, Town of Arcadia Police Department, and Riverview Hospital. Of the ERT's in the area, Jackson and Adams Township have the largest impact from this project. While Adams Township has not engaged with us to date, their main access to US 31 appears to be 236th Street, which will remain full access and likely not impact response times. Jackson Township has provided valuable feedback for us to consider, however it was brought to INDOT's attention that Jackson Township is looking to relocate their fire station prior to our project being completed, so exact impacts to response times based on the proposed project cannot be determined at this time. All parties agree that safety along US 31 is the number one goal. To improve safety along the corridor, access to US 31 for the public needs to be controlled. While it is anticipated that the number of accidents will be reduced, they will not be entirely eliminated. By controlling access, eliminating at-grade crossings, and providing median cable barrier, we are focusing on reducing the types of accidents that have the highest probability of incapacitation/fatalities, including head-on, right-angle and rear-end crashes.

Comment:

Ms. Mary Briggs: Mary Briggs. Just out of curiosity, if you, INDOT, purchases the farmhouse and the barn, and its going to be demolished, which I hate to see barns being demolished, will the landowner be able to take any part of the building, or buildings, and keep it? I know it's going to be... it's going to be part of the assessment, but maybe an old barn with the old beams and everything? I just think about historical barns. Thank you.

Response:

If a property owner wished to keep any part of their building or buildings, this could be negotiated during the right-of-way acquisition. There are no historical barns being removed as part of this project.

ATTACHMENT C

Resource Agency Correspondence

Neal Bennett

From: Neal Bennett
Sent: Friday, September 17, 2021 9:27 AM
To: Bfsenviron@bfsengr.com
Subject: Des. 1900096: US 31 Limited Access Project in Hamilton County, IN
Attachments: Legal Notice of Public Hearing_9.10.21.pdf

[INDOT: Major Projects: US 31 Limited Access Upgrade from SR 38 to 286th Street](#)

Good morning. I am reaching out to you to let you know that the Draft NEPA document for this project has been released for public involvement (see the link). I am inviting you to take a look and provide any additional comments you may have. The public hearing is scheduled for September 28 at 5pm at the Remnant Coffee House at 101 W. Main Street, Arcadia, IN if you're interested in attending. The public notice is attached and contains a summary of the project at this time. Let me know if you have any questions or comments. Thank you and have a great weekend.

-Neal

Neal Bennett, PWS
Director of Environmental Services

Butler, Fairman & Seufert, Inc.
8450 Westfield Blvd., Suite 300 | Indianapolis, IN 46240-8302
p 317-713-4615 | f 317-713-4616
NBennett@bfsengr.com | www.BFSEngr.com



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The following agencies received a copy of this notice on September 17, 2021

Field Supervisor
U.S. Fish and Wildlife Service
robin_mcwilliams@fws.gov
Elizabeth_mccloskey@fws.gov

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

Regional Environmental Officer Chicago Regional Office,
US Department of Housing & Urban Development
Melanie.H.Castillo@hud.gov

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

U.S. Army Corps of Engineers - Louisville District
Gregory.A.McKay@usace.army.mil

Hamilton County Plan Commission Director
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Hamilton County Surveyor
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Hamilton County Engineer
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Hamilton County Sheriff
mark.bowen@hamiltoncounty.in.gov

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bosscher.valerie@epa.gov

INDOT Office of Aviation
icourtrade@indot.in.gov



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

September 22, 2021

Robert E. Dirks
Federal Highway Administration
575 N. Pennsylvania St. Room 254
Indianapolis, Indiana 46204
(sent via email)

RE: Environmental Assessment Review for **DES. 1900096** (Primary), 1900097, 1901797, 1901798, 1700934, 1700935, 2002949, 2002954, and 2002313. US 31 Limited Access Project from SR 38 to 286th Street in Adams Township and Jackson Township, Hamilton County, Indiana

Dear Mr. Dirks:

The U.S. Fish and Wildlife Service (Service) has reviewed the Environmental Assessment (EA) dated August 16, 2021, for the US 31 Limited Access Project and is providing the following comments. These comments are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973 (as amended), and the Service's Mitigation Policy.

According to the information provided in the EA, the Indiana Department of Transportation (INDOT), funded in part by the Federal Highway Administration (FHWA), has identified safety issues along the US 31 corridor in Hamilton County. As a result, the proposed project will create a limited access highway by converting intersections to cul-de-sacs, interchanges, or overpasses along approximately 7.5 miles of existing US 31. Two of the intersecting roads, 236th Street and 241st Street, are part of a separate project under Des. No. 1702149. Multiple new and replacement bridges and culverts will be included in project plans, along with 61 small structures, drainage pipes, and drive pipes. Specific closures, interchanges, overpasses, and other details are described in the EA and are incorporated by reference.

US 31 will remain at the same elevation and retain four through lanes with a combined shoulder width of 28 feet, total pavement width of 76 feet, and median width of 47 feet; this is generally the same as the existing typical section (minus designated left turn lanes which will be removed).

The land use in the area is mostly rural mixed with residential properties and approximately 15 commercial properties. Approximately 64.81 acres of non-forested terrestrial land will be impacted from the conversion of at-grade intersections into cul-de-sacs, overpasses, and interchanges, and the installation of cable barriers within the US 31 median. Of this total,

approximately 56.75 acres consists of farmland/grassland, and approximately 8.06 acres consists of mowed roadside, commercial and residential lawn areas. A total of 5.54 acres of trees will be removed for the project. Of this amount, 2.32 acres will be removed within 100 feet of the roadway, 0.26 acres will be removed between 100-300 feet from the roadway, and 2.96 acres will be removed beyond 300 feet from the roadway. This tree-clearing amount has been reduced since our previous communication.

There are eight streams, rivers, watercourses, and/or jurisdictional ditches present within or adjacent to the project area. Of these eight, four will have impacts as a result of relocation, grading, encapsulation, construction of bridge piers and riprap placement. A total of 998 linear feet of stream impacts are anticipated including 533 linear feet of UNT to Jones Ditch, 300 linear feet of Bennett Ditch, 113 linear feet of Little Cicero Creek, and 52 linear feet of UNT1 to Little Cicero Creek. Mitigation for unavoidable impacts to wetlands, streams, and forested areas within the floodway of Little Cicero Creek will be completed as part of the Indiana Department of Natural Resources Construction In a Floodway permit. Additional stream and wetland mitigation will be required as part of the Corps of Engineer's 404 permitting process and the Indiana Department of Environmental Management's 401 permit.

Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB). There are records of both species in and/or adjacent to Hamilton County, including a NLEB record 2.5 miles east of the project area along Hinkle Creek.

There is suitable summer habitat for **both** species present in several areas surrounding the project site, including wooded areas within the project boundary. The project will not eliminate enough habitat to affect these species, but to avoid incidental take from removal of an occupied roost tree INDOT has agreed that tree-clearing will be avoided during the Indiana bat summer maternity period (April 1 through September 30). INDOT has also agreed to make sure all bridges, culverts, and structures are assessed for bat use within two years of construction.

Should additional information on listed or proposed species or their critical habitat become available, or if new information reveals impacts that were not previously considered, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

Document-Specific Comments

Page 34, last paragraph, indicates that tree removal should occur between November 15 and March 30. The correct dates should be October 1 through March 30. In the Service's previous letter dated June 9, 2021, the wrong date was used on page 2.

On page 53, Tree Removal AMM2 states that tree removal should occur between November 15 and March 30. As mentioned above, the correct dates should be October 1 through March 30.

Our office provided early coordination comments for this project on June 9, 2021, including concurrence of a “Not likely to adversely affect” determination for the Indiana bat and northern long-eared bat. In addition to threatened and endangered species information, we also included general comments and recommendations to minimize and avoid impacts to natural resources. Those recommendations are incorporated by reference.

The Service appreciates the on-going coordination that has occurred on this project. INDOT has proposed numerous measures to avoid and minimize impacts due to project construction, including seasonal tree-clearing restrictions, bridge/culvert and structure assessments for bat and migratory bird use, and lighting mitigation for the Indiana bat and NLEB, as well as various best management practices to reduce erosion, sedimentation, turbidity, and pollution of streams and adjacent habitat.

The Service strongly encourages INDOT to consider preservation and reforestation of adjacent and nearby habitat, particularly along perennial stream corridors, to help conserve and recover the federally listed Indiana bat and northern long-eared bat and compensate for forest impacts.

Permits under Section 404 of the Clean Water Act will be needed for the proposed project. Our recommendations to the U.S. Army Corps of Engineers for permit conditions would be consistent with our comments here.

If project plans change such that additional fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please contact Robin McWilliams Munson at robin_mcowilliams@fws.gov.

Sincerely yours,

Scott E. Pruitt
Field Supervisor

cc: Ron Bales, INDOT, Indianapolis, IN
Elizabeth McCloskey, USFWS, Chesterton, IN
Christie Stanifer, Indiana Division of Fish and Wildlife, Indianapolis, IN
Greg McKay, U.S. Army Corps of Engineers, Indianapolis, IN
Jennifer Beck, Indiana Department of Environmental Management, Greenfield, IN
Neal Bennett, Butler, Fariman & Seufert, Inc., Indianapolis, IN
Ken Westlake, U.S. EPA, Chicago, IL
Kari Carmany-George, Federal Highway Administration, Indiana Div., Indianapolis, IN



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

October 13, 2021

REPLY TO THE ATTENTION OF:

Mail Code RM-19J

VIA ELECTRONIC MAIL ONLY

Robert Dirks, Project Manager
[Federal Highway Administration – Indiana Division](#)
575 N. Pennsylvania Street, Room 254
Indianapolis, Indiana 46204
Robert.Dirks@dot.gov

Jennifer Beck, Senior Project Manager
Indiana Department of Transportation – Greenfield District
32 South Broadway
Greenfield, Indiana 46140
JBeck@indot.IN.gov

Re: Environmental Assessment for US 31 Limited Access Project (from SR 38 to 286th Street), Hamilton County, Indiana. (Lead Des. No. **1900096**; Additional Des. Nos.: 1900097, 1901797, 1901798, 1700934, 1700935, 2002949, 2002954, and 2002313.)

Dear Mr. Dirks and Ms. Beck:

This letter provides the United States Environmental Protection Agency (EPA) comments regarding the Federal Highway Administration (FHWA) and Indiana Department of Transportation (INDOT) referenced environmental assessment (EA), dated August 16, 2021. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

INDOT, in consultation with FHWA, proposes to improve safety and reduce crash rates along existing four-lane US 31 in Hamilton County by converting US 31 to a limited access highway from State Road 38 (SR 38) to 286th Street (approximately 7.5 miles). The proposal requires modifying existing roadway intersections, removing public access at all median crossover locations, and removing residential and commercial drives along US 31. Existing streets intersecting US 31 along the corridor were analyzed for conversion to either cul-de-sacs, overpasses, or interchanges. The project area is substantially rural, with farmland and some residences and businesses.

The EA identifies a preferred alternative comprised of an interchange at 276th Street; overpasses for 226th and 266th Streets; and cul-de-sacs for 216th, 246th, 256th, 281st Streets. At 286th Street, a closed median would allow for right-turn in and right-turn out only. The EA briefly discloses that a proposed interchange at 236th Street and cul-de-sac for 241st Street (Des No. 1702149) within the corridor were considered projects of independent utility and previously assessed in the INDOT/FHWA EA dated March 4, 2021. FHWA issued a Final EA/Finding of No Significant Impact (FONSI) for those projects on June 9, 2021.

The preferred alternative will have approximately 0.269 acres of wetland impacts. A total of 1,111 linear feet of stream impacts are anticipated. These include 533 linear feet from an unnamed tributary (UNT) to Jones Ditch, 300 linear feet to Bennett Ditch, 113 linear feet to Little Cicero Creek, and 52 linear feet from UNT1 to Little Cicero Creek. The EA indicates the preferred alternative will require 19 residential relocations, and 5 commercial relocations.

Efforts made to avoid and minimize project impacts are discussed. EA *Section – Environmental Commitments* (pages 53 - 55) identify INDOT “Firm” commitments (mitigation commitments) made to date. Mitigation for “Further Consideration” are identified on pages 55 and 56. EA (page 37) states: “*Mitigation for unavoidable impacts to wetlands, streams, and forested areas within the floodway of Little Cicero Creek will be completed as part of the CIF permit to meet the requirements of compensatory mitigation for impacts located within the floodway of Little Cicero Creek as part of this project.*”

Recommendation (Tree Mitigation): EPA recommends INDOT undertake voluntary tree mitigation for tree losses not covered under the Indiana Department of Natural Resources’ Construction in a Floodplain (CIF) permit.

Recommendation [Environmental Justice (EJ)]: Of the 19 residential relocations, EPA recommends the Final EA disclose the number of EJ residential relocations. Identify and discuss additional mitigation measure, if applicable.

Recommendation (Shared-use Path): EPA recommends the Final EA discuss the feasibility of incorporating a shared-use path on preferred alternative overpasses and/or the 276th Street interchange to allow for safe crossing of the limited access highway by pedestrians and bicyclists.

Recommendation (Stormwater Management / Sustainability): EPA recommends the Final EA provide a discussion regarding sustainability of the proposed project and identify the measures that will be taken during project design, construction, and operation to adequately handle extreme precipitation events.

Recommendation (Wildlife Crossings): EPA recommends the Final EA identify a firm commitment to evaluate and incorporate suitable wildlife crossings into project bridge and culvert designs.

Recommendations (Air Quality - Construction): To protect air quality for the people who live, work and/or play near the project area during construction, consider strategies to reduce diesel emissions, such as project construction contracts that require the use of equipment with clean diesel engines and limits on the length of time equipment idles when not in active use. See the enclosed Construction Emission Control Checklist for information regarding ways to reduce construction equipment diesel emissions. EPA recommends the Final EA identify the diesel emissions reduction strategies that INDOT will adopt as firm commitments.

Recommendation (Invasive Species Control / Pollinator Friendly Species): We recommend the Final EA identify the measures that will be taken to control the introduction and spreading of invasive species during and after project construction. EPA recommends restoration and roadside plantings include native pollinator friendly species.

If you have any questions or wish to discuss our comments, please contact Virginia Laszewski of my staff by phone: 312/886-7501 or email: laszewski.virginia@epa.gov. Provide EPA with an e-version of the Final EA and FHWA NEPA determination when available.

Sincerely,

Kenneth A. Westlake
Deputy Director, Tribal and Multi-media Programs Office
Office of the Regional Administrator

Enclosure: EPA Construction Emission Control Checklist

cc (via email): Robin McWilliams Munson, U.S. Fish and Wildlife Service, Region 3,
Bloomington Ecological Services Office, Bloomington, Indiana,
Robin_McWilliams@fws.gov

Enclosure

U.S. Environmental Protection Agency Construction Emission Control Checklist

Consider measures that apply to the proposed project from the following list.

Mobile and Stationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or that most advance emission control systems available. Commit to the best available emissions control technologies for project equipment to meet the following standards.

- On-Highway Vehicles: On-highway vehicles should meet, or exceed, the EPA exhaust Emissions standards for model year 20210 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle busses, etc.).¹
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, on-road compression-ignition engines (ie.eg., constitution equipment, on-road trucks, etc.).²
- Locomotives: Locomotives servicing infrastructure sites should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for line-haul and switch locomotive engines where possible.³
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contracting or oversight process:

- Establish and enforce a clear anti-idling policy for the construction site.
- Use on-site renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).

¹ <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

² <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>

³ <http://www.epa.gov/otaq/standards/nonroad/locomotives.htm>

- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Repower older vehicles and/or equipment with diesel- or alternative-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).

Fugitive Dust Source Controls

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Occupational Health

- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspections, and maintaining filtration devices.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operator's exposure to diesel fumes. Pressurization ensures air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.

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DNR #: ER-22448-2

Request Received: September 17, 2021

Requestor: Butler Fairman and Seufert Inc
Neal Bennett
8450 Westfield Boulevard, Suite 300
Indianapolis, IN 46240-8302

Project: US 31 limited access corridor upgrades between SR 38 and 286th Street: Des #1900096 (lead); Draft EA

County/Site info: Hamilton

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

Natural Heritage Database: The Natural Heritage Program's data have been checked. Washington Township's MacGregor Park is located immediately east of the roadway at the southern end of the project area. Also, Little Spectaclecase (*Villosa lianosa*), a state species of special concern, has been documented in Prairie Creek within 1/2 mile of the project area, near the Tipton/Hamilton County line.

Fish & Wildlife Comments: We do not foresee any impacts to Little Spectaclecase as a result of this project.

The Division of Fish & Wildlife (DFW) supports improving highway safety while reducing and mitigating impacts to fish, wildlife, and botanical resources to the greatest extent possible. The DFW generally looks at impacts to important habitat features such as forest, wetland, and stream habitat areas. Wildlife passage under or around highway infrastructure is also an important aspect of fish, wildlife, and botanical resource management as well as highway safety management.

To date, INDOT has addressed DFW's concerns related to specific components of the overall project. We recommend continuing to avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The DFW's previous recommendations to address potential impacts to fish, wildlife, and botanical resources are generally still applicable, but are modified or updated below as needed for clarity.

1) Stream Crossing Design:

Bridges are recommended over culverts, and three-sided culverts are recommended over box or pipe culverts. Multiple culverts or culverts with multiple openings are not recommended. These types of structures are often problematic for fish and wildlife passage as they tend to accumulate debris and become blocked. If box and pipe culverts are used, the culvert bottoms should be sumped a minimum of 6" (or 20% of the culvert height or diameter, whichever is greater up to a maximum of 2') below the

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stream bed elevation. Sumping is not required for bridges or three-sided culverts. Crossings must span the entire channel width (a minimum of 1.2 times the ordinary high water mark width). Crossings must maintain the natural stream substrate within the structure (natural stream substrate must be replaced in sumped box and pipe culverts up to the existing flowline). Scour protection at the inlet and outlet must not extend above the existing flowline elevation. Stream depth, channel width and water velocities in the crossing structure during low-flow conditions must approximate those in the natural stream channel.

The new/replacement/rehabilitated crossing structure, and any bank stabilization under or around the structure, must not create conditions that are less favorable for wildlife passage when compared to existing conditions. Upgrading wildlife passage for replacement/rehabilitated structures is recommended whenever possible to improve wildlife/vehicle safety. White-tailed deer passage must be incorporated into all new structures where no structure previously existed. Minimum structure dimensions for white-tailed deer passage are 20 feet of width clearance (overall span of the structure) and 8 feet of height clearance measured from the OHWM. Bank lines must be restored within structures to allow for wildlife passage above the ordinary high water mark. All wildlife passage designs must include a smooth level pathway a minimum of 1-2 feet in width composed of natural substrate (soil, sand, gravel, etc.) or compacted aggregate fill over riprap (#2, #53, #73, etc.) tied into existing elevations both upstream and downstream. There are a number of techniques and materials for incorporating wildlife passage into the design of a crossing structure if restoring bank lines is not an option. Coordination with the Regional Environmental Biologist to address wildlife passage issues before submitting a permit application, if required, is encouraged to avoid delays in the permitting process. The following links are good resources to consider in the design of stream crossing structures to maintain fish and wildlife passage:
<http://www.fs.fed.us/wildlifecrossings/library/>,
https://roadeology.ucdavis.edu/files/content/projects/DOT-FHWA_Wildlife_Crossing_Structures_Handbook.pdf, https://www.fs.fed.us/biology/nsaec/fishxing/aop_pdfs.html,
<https://www.fhwa.dot.gov/engineering/hydraulics/pubs/11008/hif11008.pdf>.

2) Bank Stabilization:

Some form of bank stabilization is almost always needed with the construction, repair, replacement, or modification of a stream channel or crossing structure. For streambank stabilization and erosion control, regrading to a stable slope (2:1 or shallower) and establishing native vegetation along the banks are typically the most effective techniques. A variety of methods to accomplish this include: planting plugs, whips, container stock, seeding, and live stakes. In addition to vegetation establishment, some additional level of bioengineered bank stabilization may be needed under certain circumstances (inability to regrade to a stable slope, flow velocities that exceed the limits of vegetation alone, etc.). Combining vegetation with any of the following bank stabilization methods can provide additional bank protection while not compromising benefits to fish, wildlife, and botanical resources: geotextiles (erosion control blankets and/or turf reinforcement mats 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), vegetated geogrids or soil lifts, fiber rolls, glacial stone, or riprap. Information about bioengineering techniques can be found at the following link to a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization:
<http://directives.sc.egov.usda.gov/17553.wba>.

Riprap or other hard bank stabilization materials should be used only at the toe of the sideslopes up to the ordinary high water mark (OHWM) with the exception of areas directly under bridges for instance. The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges,

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wildflowers, shrubs, and trees native to Central Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion.

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) 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.

5) Lighting:

The Environmental Commitments section of the Draft EA included items 7 and 8 that reference temporary and new or replacement lighting along the US 31 corridor. The DFW previously provided the guidance below on the proper selection and use of highway lighting to reduce negative impact to fish and wildlife resources. More specifics on the type of lighting and how it will be used is recommended moving forward to the Final EA.

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 (<https://www.darksky.org/light-pollution/wildlife/>). 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." We recommend visiting the following website to learn more about the potential negative impacts of improperly selected LED lighting systems if required: <http://darksky.org/lighting/led-practical-guide/>.

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 are not currently 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

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endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas only. A native herbaceous seed mixture must include at least 5 species of grasses and sedges and 5 species of wildflowers.

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 construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds.
6. Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
7. Do not use broken concrete as riprap.
8. Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap.
9. Minimize the movement of resuspended bottom sediment from the immediate project area.
10. Do not deposit or allow demolition/construction materials or debris to fall or otherwise enter the waterway.
11. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
12. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.

Contact Staff:

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

Christie L. Stanifer

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

Date: October 18, 2021

Resource Agency Comments and Responses to Comments for US 31 Limited Access Project, Hamilton County, IN
Des No 1900096 et.al.

On September 17, 2021, resources agencies were contacted with a copy of the Public Notice and information about the hearing, comment period and how to access the EA. Three responses were received. The U.S. Fish and Wildlife Service (USFWS) Bloomington Field Office provided a letter dated September 22, 2021, the U.S. Environmental Protection Agency (USEPA) provided comments in a letter dated October 13, 2021, and the Indiana Department of Natural Resources (IDNR) provided a letter dated October 18, 2021. No other responses were received.

1) United States Fish and Wildlife Service (USFWS) letter dated October 13, 2021

Comment:

Page 34, last paragraph, indicates that tree removal should occur between November 15 and March 30. The correct dates should be October 1 through March 30. In the Service's previous letter dated June 9, 2021, the wrong date was used on page 2.

On page 53, Tree Removal AMM2 states that tree removal should occur between November 15 and March 30. As mentioned, the correct dates should be October 1 through March 30.

Further, they mention that their office had provided early coordination comments for this project on June 9, 2021, including concurrence of a "Not Likely to Adversely Affect" determination for the Indiana bat and northern long-eared bat. In addition, they strongly encourage INDOT to consider preservation and reforestation of adjacent and nearby habitat, particularly along perennial streams.

Response:

The commitments were updated to include the dates of October 1 through March 30, replacing the original dates that were provided in earlier coordination with the USFWS. A commitment was added that states INDOT will consider preservation and reforestation of adjacent and nearby habitat, particularly along perennial streams.

2) United States Environmental Protection Agency (USEPA) letter dated October 13, 2021

Comment:

Undertake voluntary tree mitigation for tree losses not covered under the IDNR Construction in a Floodway permit.

Response:

The project commitments were updated to include that INDOT will consider undertaking voluntary tree mitigation for tree losses not covered by the IDNR Construction in a Floodway permit.

Comment:

Disclose the number of Environmental Justice (EJ) residential relocations and identify and discuss additional mitigation measures, if applicable.

Response:

A total of 18 residential relocations will occur within areas containing EJ Populations of Concern. However, any property acquired or relocation that occurs will be conducted following the Uniform Act of 1970, thereby ensuring all property owners are treated equally and provided an offer of just compensation for any land that is needed to complete the project. INDOT and the Consultant Real Estate Team will work with impacted property owners, including those that require relocation, on reaching an agreement.

Comment:

Discuss the feasibility of incorporating a shared-use path on preferred alternative overpasses and/or the 276th Street interchange to allow for safe crossing of the highway by pedestrians and cyclists.

Response:

The overpasses are still in design and ongoing coordination with the Hamilton County Engineer will occur during the development of those plans. At this time, there is no plan for sidewalks to be included in the project, but the bridge width at 226th Street will accommodate future sidewalks since the Hamilton County masterplan calls for future sidewalks along 226th Street. Similar coordination will be done for all Hamilton County roads intersecting the project area as design progresses. A commitment has been added that will require that sidewalks and/or shared-use paths be considered during project development.

Comment:

Discuss the sustainability of the project and identify the measures that will be taken during design, construction, and operation to adequately handle extreme precipitation events.

Response:

Design is ongoing, however, stormwater will collect in roadside ditches and conveyed to “waters of the U.S.” that occur throughout the project area, just as it does currently. The roadside ditches constructed for the project will be designed to adequately handle 10-year storm events. No significant effect to stormwater is anticipated.

Comment:

Identify a firm commitment to evaluate and incorporate suitable wildlife crossings into bridge and culvert designs.

Response:

The project will design all bridges and culverts to the standards required by INDOT and the IDNR which includes providing an adequate wildlife crossing component where possible. This is covered by the existing commitment listed in the EA document pertaining to wildlife crossings.

Comment:

Consider strategies to protect air quality for people who live, work, and/or play near the project area during construction, such as reducing diesel emissions, use equipment with clean diesel engines, and limit the length of time equipment idle when not in use.

Response:

The project will follow INDOT standard specifications for reducing air emissions during construction. The development of Unique Special Provisions related to the reduction of diesel emissions, and construction equipment type and use restrictions for the project will be considered.

Comment:

Identify measures that will be taken to control the introduction and spreading of invasive species during and after project construction. Restoration and roadside plantings should include native pollinator friendly species.

Response:

Compensatory floodplain mitigation, which includes the reforestation of the floodplain of Little Cicero Creek will all native tree species and native seed mixes are being implemented as part of this project, which includes native pollinator friendly species.

3) Indiana Department of Natural Resources (IDNR) letter dated October 18, 2021, did not provide any new information pertaining to natural resources. They provided several similar recommendations to those provided by earlier rounds of coordination.

Comment:

Bridges are recommended over culverts, and three-sided culverts are recommended over box or pipe culverts. If encapsulations are used, they must be sumped. Sumping is not required for three-sided boxes or bridges. Crossing must maintain the natural substrate within the structure.

A new/replaced/rehabilitated structure, and any associated bank stabilization must not create conditions that are less favorable for wildlife passage when compared to existing conditions. White-tailed deer passage must be incorporated into all new structures where no structures previously existed.

Response:

There are already commitments included in the EA that discuss these recommendations.

Comment:

Some form of bank stabilization is almost always needed with work associated with crossings. Establishing native vegetation along the streambanks is typically the most effective technique for shallow slopes. Combining vegetation with bio-engineered bank stabilization is preferred for slopes steeper than 2:1.

Riprap or other hard armor should only be used at the toe of the sideslopes up to the ordinary high-water mark (OHWM) except for areas directly beneath bridges. Banks above the OHWM should be restored using native vegetation when possible.

Response:

There are already commitments included in the EA that discuss these recommendations.

Comment:

Mitigation plans should be developed for any unavoidable impacts to habitat and included with any permit application(s). Impacts to non-forest of 1.0 acre or more should be mitigated at a minimum of 2:1 ratio based on area and impacts below 1.0 acre should be mitigated at a 1:1 ratio based on area.

Response:

There are already commitments included in the EA that discuss this recommendation.

Comment:

Due to the presence or potential presence of wetland habitat on site, IDNR recommends coordinating with the Indiana Department of Environmental Management 401 Program and the US Army Corps of Engineers 404 Program.

Response:

As part of the NEPA process, the U.S. Army Corps of Engineers (USACE) and the Indiana Department of Environmental Management (IDEM) have been coordinated with. In addition, "waters of the US" investigations were completed for the project area. Any impacts to stream or wetlands will be coordinated with the USACE and IDEM.

Comment:

The commitments in the EA included Items 7 and 8 that reference temporary and new or replacement lighting along the US 31 corridor. IDNR provided guidance on the proper selection and use of highway lighting in early coordination. More specifically, designers and municipalities are moving toward LED lighting. Certain types of LED lighting can have a negative effect on both human and wildlife health and safety. They recommend visiting the website www.darksky.org to learn more about the potential negative impacts of improperly selected LED lighting systems.

Response:

This recommendation has been forwarded to the project design team for consideration.

All new and applicable USFWS, USEPA, and IDNR commitments were added or revised to the Environmental Commitments.

ATTACHMENT D

Section 106 Consultation

**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
US 31 LIMITED ACCESS FROM SR 38 TO 286th Street
WASHINGTON, ADAMS, and JACKSON TOWNSHIPS
HAMILTON COUNTY, INDIANA
DES. Nos. 1900096 (Lead), 1900097, 1901797**

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

The project is located along US 31 between State Road (SR) 38 and 286th Street in Washington, Adams, and Jackson townships, Hamilton County. The APE is an irregular corridor along US 31, including the existing and proposed right-of-way, immediately adjacent properties, and those areas where a visual differentiation may occur between an existing structure and the project area, also accounting for properties which have the potential to lose direct access to the US 31 corridor (Appendix B, B4). The archaeology APE was defined by the proposed right-of-way required for the undertaking and limited to planned interchanges, overpasses, and cul-de-sacs.

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

The following properties are listed in or eligible for listing in the National Register of Historic Places (NRHP):

Roberts Chapel and Cemetery (NR-0882, IHSSI #057-020-05026): c. 1858/1914 gable-front church and c. 1831 cemetery, listed September 25, 1996 under Criterion A for significance in Ethnic Heritage

Hansel Roberts Farm (IHSSI #057-020-05027): c. 1860 double pen farm; eligible under Criterion A for significance in Ethnic Heritage and Criterion C for significance in Architecture

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): c.1840 farm; eligible under Criterion A for significance in Exploration/Settlement, Social History and Agriculture, Criterion B for association with the Baker family, and Criterion C for significance in vernacular landscape

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): 1886 Italianate farmhouse; eligible under Criterion A for significance in Commerce/Agriculture and Criterion C for significance in Architecture

Archaeology Site 12-H-1742: Site 12-H-1742 is a nineteenth/early twentieth century farmstead and has the potential to contain intact historic deposits and buried features. If the site cannot be avoided by the proposed project, a full NRHP evaluation of the site for eligibility under Criterion D is recommended.

Archaeology Site 12-H-1881: Site 12-H-1881 is a mid-nineteenth century farmstead. This site is potentially eligible for the NRHP under Criterion D. Phase II testing or avoidance of the site is recommended.

Archaeology Site 12-H-1882: Site 12-H-1882 is a mid-nineteenth century farmstead. This site is potentially eligible for the NRHP under Criterion D. Phase II testing or avoidance of the site is recommended.

Archaeology Site 12-H-1883: Site 12-H-1883 is a late-nineteenth/early twentieth century farmstead. This site is potentially eligible for the NRHP under Criterion D. Phase II testing or avoidance of the site is recommended.

EFFECT FINDING

Roberts Chapel and Cemetery (IHSSI #057-020-05026): "No Adverse Effect"

Hansel Roberts Farm (IHSSI #057-020-05027): "No Adverse Effect"

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): "No Historic Properties Affected"

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): "No Historic Properties Affected"

Archaeology Site 12-H-1742: "Adverse Effect"

Archaeology Site 12-H-1881: "Adverse Effect"

Archaeology Site 12-H-1882: "Adverse Effect"

Archaeology Site 12-H-1883: "Adverse Effect"

FHWA has determined an "Adverse Effect" finding is appropriate for this undertaking. FHWA respectfully requests the Indiana State Historic Preservation Officer provide written concurrence with the Section 106 determination of effect for each property and the project's overall effect finding.

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

Roberts Chapel and Cemetery (IHSSI #057-020-05026): This undertaking will not convert property from Roberts Chapel and Cemetery, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for Roberts Chapel and Cemetery.

Hansel Roberts Farm (IHSSI #057-020-05027): This undertaking will not convert property from the Hansel Roberts Farm, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is "No Adverse Effect"; therefore no Section 4(f) evaluation is required for the Hansel Roberts Farm.

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): This undertaking will not convert property from the Baker/Johnson/Pickett Farmstead, a Section 4(f) historic property, to a transportation use; FHWA has determined the appropriate Section 106 finding is "No Historic Properties Affected"; therefore no Section 4(f) evaluation is required for the Baker/Johnson/Pickett Farmstead.

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): This undertaking will not convert property from the Thomas Joseph Lindley Farm, a Section 4(f) historic property, to a

transportation use; FHWA has determined the appropriate Section 106 finding is "No Historic Properties Affected"; therefore no Section 4(f) evaluation is required for the Thomas Joseph Lindley Farm.

Archaeology Site 12-H-1742: FHWA has determined the appropriate Section 106 finding is "Adverse Effect". In consultation with the Indiana State Historic Preservation Officer, it has been determined that preservation-in-place is not warranted for site 12-H-1742; therefore, Section 4(f) does not apply. FHWA respectfully requests the Indiana State Historic Preservation Officer provided written concurrence with the determination that the archaeological site does not warrant preservation-in-place.

Archaeology Site 12-H-1881: FHWA has determined the appropriate Section 106 finding is "Adverse Effect". In consultation with the Indiana State Historic Preservation Officer, it has been determined that preservation-in-place is not warranted for site 12-H-1881; therefore, Section 4(f) does not apply. FHWA respectfully requests the Indiana State Historic Preservation Officer provided written concurrence with the determination that the archaeological site does not warrant preservation-in-place.

Archaeology Site 12-H-1882: FHWA has determined the appropriate Section 106 finding is "Adverse Effect". In consultation with the Indiana State Historic Preservation Officer, it has been determined that preservation-in-place is not warranted for site 12-H-1882; therefore, Section 4(f) does not apply. FHWA respectfully requests the Indiana State Historic Preservation Officer provided written concurrence with the determination that the archaeological site does not warrant preservation-in-place.

Archaeology Site 12-H-1883: FHWA has determined the appropriate Section 106 finding is "Adverse Effect". In consultation with the Indiana State Historic Preservation Officer, it has been determined that preservation-in-place is not warranted for site 12-H-1883; therefore, Section 4(f) does not apply. FHWA respectfully requests the Indiana State Historic Preservation Officer provided written concurrence with the determination that the archaeological site does not warrant preservation-in-place.

FHWA respectfully requests the Indiana State Historic Preservation Officer to provide written concurrence on the adverse effect finding to aboveground resources. Eligibility of individual archaeological sites will be addressed at a later date. FHWA intends to address any archaeological work that may need to be completed after the completion of Section 106 through stipulations in a Memorandum of Agreement.



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Jermaine R. Hannon,
Division Administrator
FHWA-IN Division

Approved Date

**FEDERAL HIGHWAY ADMINISTRATION
DOCUMENTATION OF SECTION 106 FINDING OF
ADVERSE EFFECT
SUBMITTED TO THE STATE HISTORIC PRESERVATION OFFICER
PURSUANT TO 36 CFR Section 800.5(c)
US 31 LIMITED ACCESS FROM SR 38 TO 286th Street
WASHINGTON, ADAMS, and JACKSON TOWNSHIPS
HAMILTON COUNTY, INDIANA
DES. Nos. 1900096 (Lead), 1900097, 1901797**

1. DESCRIPTION OF THE UNDERTAKING

The Indiana Department of Transportation (INDOT)- Greenfield District, with funding from the Federal Highway Administration (FHWA), proposes to proceed with the conversion of US 31 to a limited access highway between State Road (SR) 38 and 286th Street in Hamilton County, Indiana, Des. Nos. 1900096 (Lead, bridge), 1900097 (road), and 1901797 (276th Street Interchange). Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties. The federal involvement in the project is funding received from the FHWA.

INDOT has been conducting National Environmental Policy Act (NEPA) studies for the US 31 Limited Access Project with project limits at SR 38 in Hamilton County, Indiana and SR 931 in Tipton County, Indiana. Under this effort, the project originally included 20.3 miles of US 31 in Hamilton County and Tipton County. Therefore, initial investigations for this undertaking were based on those project limits. The portion of the project located in Tipton County has been removed from the current project. The project area is now entirely within Hamilton County. The planned interchange at 276th Street will limit access north of 276th up to 286th Street. Therefore, 286th Street is the new northern logical terminus as it is the first full-access point where a safe transition for drivers along US 31 can be constructed.

The proposed undertaking is located on US 31 between SR 38 and 286th Street in Washington, Adams, and Jackson townships, Hamilton County. The proposed project is approximately 7.5 miles long. The project is also within Sections 1, 12, 13, 24, 25, and 36, Township 20 North, Range 3 East; Sections 6, 7, 18, 19, 30, and 31, Township 20 North, Range 4 East; Sections 1, 12, and 13, Township 19 North, Range 3 East; and Sections 6, 7, and 18, Township 19 North, Range 4 East on the USGS Arcadia, Sheridan, Westfield, and Noblesville, Indiana Quadrangles (Appendix B, B2).

The need for the project derives from the high rate of accidents near intersections along this segment of US 31. Based on 2014-2016 traffic data, US 31 in Hamilton County sees an average of 5.96 accidents per mile, per year. A 2017 study of the US 31 corridor by CHA Consulting found the majority of crashes on US 31 occurred within 1,000 feet of an intersection. The primary purpose of this project is to reduce traffic accidents along US 31 between State Road 38 and 286th Street while maintaining local connectivity.

The project proposes to convert existing crossroads along the corridor either to cul-de-sacs (east and west of US 31), new overpasses, or new interchanges. In general, the cul-de-sacs will have an approximately 50-foot radius and will be oriented north, center, or south relative to the existing roads to minimize impacts to existing properties. Direct access drives to US 31 will be removed. All areas where existing pavement is removed will be reseeded. Median cable barrier

will be installed in select stretches of the median. A new interchange is planned for 276th Street at US 31 in Hamilton County. Overpasses are planned for 226th Street and 266th Street. The intersection at 286th Street will be converted to allow right-in-right-out access only.

The 226th Street overpass portion of the project will include the construction of a new road east of US 31 extending from 226th Street south for approximately 0.35 mile south to serve commercial businesses and construction of a new public access road approximately 0.25 mile east of US 31, extending from 226th Street approximately 0.5 mile north. The construction of the 276th Street interchange will include the construction of one new bridge to carry 276th Street over US 31 and the replacement and widening of three existing bridges (276th Street over Little Cicero Creek, US 31 NB over Little Cicero Creek and US 31 SB over Little Cicero Creek). The 276th Street interchange portion of the project will also incorporate roadway reconstruction and widening work along 276th Street from Dunbar Road (East 11th Street) to US 31.

Up to 382 acres of new permanent, including total parcel acquisitions, and 13 acres of temporary right-of-way (ROW) acquisition is required. Property relocations are expected. Traffic will be maintained on US 31 with intermittent nighttime closures and rolling slowdowns. For construction of the interchange at 276th Street, two lanes of traffic will be maintained on US 31 during construction with intermittent nighttime closure and rolling slowdowns. Closure of 276th Street will occur, and a detour provided. For overpass construction, cross street closures will occur, and detours will be provided. For cul-de-sac construction, streets will be closed at the onset of work.

The Area of Potential Effects (APE) includes the existing and proposed ROW, immediately adjacent properties, and those areas where a visual differentiation may occur between an existing structure and the project area. The APE is an irregular corridor along US 31, accounting for properties which have the potential to lose direct access to the US 31 corridor (Appendix B, B3). As a result of the reduced project scope, the APE has been revised to have a northern border approximately 0.25 mile north of 286th Street, the northern project terminus. The archaeology APE was defined by the proposed ROW required for the undertaking and limited to planned interchanges, overpasses, and cul-de-sacs.

2. EFFORTS TO IDENTIFY HISTORIC PROPERTIES

The National Register of Historic Places (NRHP) and the Indiana Register of Historic Sites and Structures (State Register) were consulted by Butler, Fairman, & Seufert, Inc. (BF&S). One listed property, **Roberts Chapel and Cemetery (NR-0882/NR-1309)**, is located within the APE. In addition, two properties previously determined eligible for the NRHP, the **Baker/Johnson/Pickett Farmstead (1715 E. 236th Street)** and the **S. Lindley Farm/Thomas Joseph Lindley Farm/IHSSI #057-667-20003**, are located within the APE.

The 1992 *Hamilton County Interim Report*, the 2010 *Tipton County Interim Report*, and the Indiana State Historic Architectural and Archaeological Research Database (SHAARD)/Indiana Buildings, Bridges, and Cemeteries Map (IBBCM) were checked by BF&S on November 15, 2019. There were 76 previously surveyed resources located within the APE. BF&S conducted site visits on December 20, 2019, January 12, 2020, and March 5, 2020. Information from the site visits and research regarding historic resources were compiled into a Historic Property Report (HPR; BF&S, June 22, 2020, Appendix D, D1-D3). The HPR recommended the following six properties eligible for the NRHP:

1. Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street)
2. Kelley Agricultural Historical Museum (6032 West CR 550 North)
3. IHSSI #159-309-20021/Hopewell Methodist Church (US 31 and CR 100 North)
4. IHSSI #159-309-10038 (6401 W. CR 450 North)
5. John D. and Phoebe Smith House/IHSSI #159-309-15074 (6824 W. CR 350 South)
6. Endicott House/IHSSI #159-587-15097 (6136 CR 600 South)

The Indiana State Historic Preservation Officer (SHPO) is considered an automatic consulting party, and an early coordination letter was sent to the SHPO on March 13, 2020. In addition, the following individuals and organizations were sent an early coordination letter via email on March 13, 2020 (Appendix C, C1-C7):

Indiana Landmarks Central Regional Office
Hamilton County Historian
Hamilton County Historical Society
Indianapolis Metropolitan Planning Organization
Hamilton County Highway Department
Hamilton County Engineer
Hamilton County Board of Commissioners
Northern Hamilton County Chamber of Commerce
Westfield Preservation Alliance
Westfield-Washington Historical Society
Roberts Settlement
Kelley Agricultural Historical Museum
Tipton County Historical Society
Tipton County Public Library- Indiana Room
Tipton County Commissioners
Tipton County Highway Department
Lightfoot Brothers Farm Services
Cicero Township Trustee
Delaware Nation of Oklahoma
Delaware Tribe of Indians, Oklahoma
Forest County Potawatomi Community
Eastern Shawnee Tribe of Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians

Roberts Settlement responded by email on March 17, 2020 and requested to continue receiving project information (Appendix C, C8).

Indiana Landmarks responded on March 19, 2020 and agreed to be a consulting party. Indiana Landmarks expressed concern that substantial adverse effects to historic properties could occur (Appendix C, C9).

The Kelley Agricultural Historical Museum responded on March 27, 2020 (Appendix C, C10-C13). The Museum conveyed concerns over a variety of issues, including impacts to businesses and farmers, county roads, air quality and animal habitats, and population loss. In

regard to historic properties, the Museum stated there are six historic buildings on the property open for tours and educational activities. The Museum is also used for private events such as weddings, parties, meetings, and retreats. Therefore, the Museum anticipated negative effects to the property from the loss of direct access to US 31 from CR 550 North.

The Forest County Potawatomi Community responded by email on March 30, 2020 and requested to receive the project's archaeological reports (Appendix C, C14).

The Miami Tribe of Oklahoma responded on April 8, 2020 indicating they wished to be a consulting party. The letter stated they had no objections to the proposed project but noted the project area is within the aboriginal homelands of the Miami Tribe (Appendix C, C15).

The SHPO responded on April 13, 2020 stating they were not aware of any other parties who should be invited to consulting party consultation, but if right-of-way acquisition was proposed from historic properties those owners should be contacted (DHPA #25247; Appendix C, C16-C17).

The Lightfoot Brothers Farm Services responded by email on April 16, 2020 and requested consulting party status (Appendix C, C18).

No other responses to the March 13, 2020 early coordination letter were received.

The HPR was approved by the INDOT-Cultural Resources Office (CRO) on July 9, 2020. The HPR was distributed to SHPO and consulting parties on the same day (Appendix C, C19-C23).

Indiana Landmarks responded to the HPR on July 16, 2020 and concurred with the eligibility of the six properties newly determined eligible for the NRHP (Appendix C, C24).

The SHPO responded to the HPR in a letter dated August 10, 2020 (Appendix C, C25-C26) and made the following comments:

- Regarding the Hansel Roberts Farm (IHSSI #057-020-05027): *"We agree that this property is eligible for inclusion in the NRHP under Criterion A as well as Criterion C [...]"*
- Regarding the Kelley Agricultural Historical Museum (IHSSI #159-323-11001 to 11005): *"We believe that only the Craftsman house and original farm buildings are eligible for inclusion in the NRHP under Criterion A & C. The moved buildings are not eligible and would be non-contributing to the historic property boundary."*
- Regarding the Goldsmith Methodist Church (IHSSI #159-390-15074): *"We respectfully disagree with the conclusions of the HPR and believe that this church has enough architectural merit to be eligible for inclusion in the NRHP under Criterion C."*

The SHPO concurred with all other eligibility determinations for properties evaluated in-depth in the HPR. INDOT elected to defer to the SHPO's determinations. Therefore, based on the SHPO's comments, the Hansel Roberts Farm is considered NRHP-eligible under Criteria A and C and the Goldsmith Methodist Church is considered NRHP eligible under Criterion C. In addition, the proposed NRHP boundary for the Kelley House was revised to exclude non-contributing resources.

No other responses to the HPR were received.

In regard to archaeology, a Phase Ia archaeological reconnaissance covering the proposed right-of-way for 21 areas which will be utilized for interchanges, overpasses, or cul-de-sacs (Des. Nos. 1900096 and 1900097) was conducted by NS Services between May 12 and August 7, 2020 (Appendix D, D8-D10). A Phase Ia archaeological reconnaissance for the 276th Street Interchange project area (Des. No. 1901797) was conducted by Cultural Resource Analysts, Inc. from July 6-July 15, 2020 (Appendix D, D4-D7). The investigations identified a total of 28 sites within the project area. As a result of these efforts, sites 12-H-1742, 12-Ti-268, 12-Ti-271, 12-H-1881, 12-H-1882, and 12-H-1883 were recommended potentially eligible for listing in the NRHP and if the sites can be avoided, no further work was recommended. Full NRHP-evaluations were recommended if avoidance of a site is not possible.

INDOT-CRO approved the archaeological reports on October 19, 2020 and November 2, 2020 and the reports were sent to consulting parties on November 2, 2020 (Appendix C, C43-C48).

The SHPO concurred with the archaeology reports on November 30, 2020, stating in part:

"Based upon the submitted information and the documentation available to DNR-DHPA, we concur with the opinion of the archaeologist (Bennett/Plunkett, 10/26/2020), as expressed in the submitted archaeological reconnaissance survey report, that archaeological sites 12Ti262, 12Ti263, 12Ti264, 12Ti265, 12Ti266, 12Ti267, 12Ti269, 12Ti270, 12Ti273, 12Ti274, 12Ti275 not appear eligible for inclusion in the NRHP. No further archaeological investigation is necessary at these sites.

Further, we concur with the opinion of the archaeologist, that archaeological sites 12H1881, 12H1882, 12H1883, 12Ti268 and 12Ti271 appear to be potentially eligible for inclusion in the NRHP and must either be avoided or subjected to further archaeological investigations."

"[...] we concur with the opinion of archaeologist (Harth, 8/10/2020), as expressed in the submitted archaeological reconnaissance survey report, that archaeological sites 12H1884, 12H1887, 12H1888 and 12H1890 do not appear eligible for inclusion in the NRHP. No further archaeological investigation is necessary at these sites.

Further, we agree with the opinion of the archaeologist, that the portions of archaeological sites 12H1885, 12H1886, 12H1889, and 12H1891 that were identified within the project area during the archaeological investigations are not eligible for inclusion in the NRHP and no further archaeological investigations are necessary within the project area. If the project boundaries should change, further archaeological investigations will be necessary to delineate the site boundaries and provide an evaluation of these sites for inclusion in the NRHP.

"[...] Lastly, we concur with the opinion of the archaeologist, that archaeological site 12H1742 appears to be potentially eligible for inclusion in the NRHP and must either be avoided or subjected to further archaeological investigations."

The SHPO also requested several data revisions and further stated they looked forward to receiving further information about unsurveyed areas (Appendix C, C67-C68). All unsurveyed

areas will undergo archaeological investigation prior to the start of construction on the corresponding intersection following stipulations specified in a Memorandum of Agreement (MOA).

The Delaware Nation responded on December 8, 2020, stating the desire to be a consulting party. The Delaware Nation stated they were not aware of the presence of any cultural or religious sites, but the project area was occupied by the Lenape people and there is a potential for the existence of unknown sites (Appendix C, C69).

No other responses to the archaeological reports were received.

In addition, an addendum archaeological report for the proposed interchange at US 31 and 276th Street (Des. No. 1901707) has been prepared. An archaeologist who meets the Secretary of the Interior's Professional Qualification Standards identified no sites within the addendum survey area. As a result of these efforts, no additional sites were recommended for listing in the National Register and no further work was recommended in the area examined. This addendum report will be distributed to consulting parties for review concurrently with this finding.

As a result of the reduced project scope, the APE has been revised to have a northern border approximately 0.25 mile north of 286th Street, the northern project terminus. Therefore, following the revisions to the project scope, the following National Register-listed and eligible properties are within the APE:

1. Roberts Chapel and Cemetery (NR-0882/NR-1309)
2. Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street)
3. S. Lindley Farm/Thomas Joseph Lindley Farm/IHSSI# 057-667-20003
4. Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street)
5. Archaeology Site 12-H-1742
6. Archaeology Site 12-H-1881
7. Archaeology Site 12-H-1882
8. Archaeology Site 12-H-1883

3. DESCRIBE AFFECTED HISTORIC PROPERTIES

Roberts Chapel and Cemetery (NR-0882/1309, IHSSI #057-020-05026): Roberts Chapel and Cemetery is roughly bounded by Little Cicero Creek, the east and west fenced property lines, and 276th Street. The boundaries include the c. 1858/1914 gable-front church and the church's cemetery grounds to the rear (north) of the building. The property around the church building is largely maintained lawn, with some mature trees near the boundaries. Roberts Chapel was listed in the NRHP on September 25, 1996 under Criterion A for significance in Ethnic Heritage.

Hansel Roberts Farm (IHSSI #057-020-05027): The Hansel Roberts farm consists of a c. 1860 double pen farmhouse and twentieth century outbuildings. The boundaries consist of the north and west property lines and the south and east tree lines around the maintained lawn (Appendix B, B7). The house sits close to 276th Street and is surround by a scattering of trees. The Hansel Roberts Farm is eligible for the NRHP under Criterion A for significance in Ethnic Heritage and Criterion C for significance in Architecture.

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): This property is a c.1840 farm and is bounded by its current property lines. The house sits close to the intersection of US 31 and 236th Street. The Baker/Johnson/Pickett Farmstead is eligible under Criterion A for significance in Exploration/Settlement, Social History and Agriculture, Criterion B for association with the Baker family, and Criterion C for significance as a vernacular landscape.

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): This property consists of an 1886 Italianate farmhouse with historic outbuildings including an English bank barn. It is bounded roughly by US 31 and tree lines to the north, west, and south. The house is largely screened from US 31 by the trees. The Lindley Farm is eligible under Criterion A for significance Commerce/Agriculture and Criterion C for significance in Architecture.

Archaeology Site 12-H-1742: Site 12-H-1742 is a nineteenth/early twentieth century farmstead and has the potential to contain intact historic deposits and buried features. This site is potentially eligible for the NRHP under Criterion D for its ability to yield additional information and preservation in place is not warranted.

Archaeology Site 12-H-1881: Site 12-H-1881 is a mid-nineteenth century farmstead. This site is potentially eligible for the NRHP under Criterion D for its ability to yield additional information and preservation in place is not warranted.

Archaeology Site 12-H-1882: Site 12-H-1882 is a mid-nineteenth century farmstead. This site is potentially eligible for the NRHP under Criterion D for its ability to yield additional information and preservation in place is not warranted.

Archaeology Site 12-H-1883: Site 12-H-1883 is a late-nineteenth/early twentieth century farmstead. This site is potentially eligible for the NRHP under Criterion D for its ability to yield additional information and preservation in place is not warranted.

4. DESCRIBE THE UNDERTAKING'S EFFECTS ON HISTORIC PROPERTIES

Roberts Chapel and Cemetery (NR-0882, IHSSI #057-020-05026): A new interchange will be constructed at US 31 and 276th Street. Roberts Chapel is located approximately 0.66 mile east of the current intersection. Roadwork will extend up to 0.25 mile west of the property. The viewshed to the west may be slightly affected by tree clearing near US 31 for the new interchange and the completed interchange may be in the property's viewshed. Direct access to US 31 from 276th Street would be maintained through this interchange following construction.

Hansel Roberts Farm (IHSSI #057-020-05027): A new interchange will be constructed at US 31 and 276th Street. The Hansel Roberts Farm is located approximately 0.61 mile east of the current intersection along 276th Street. Roadwork will extend approximately 0.20 mile west of the property. The viewshed to the west may be slightly affected by tree clearing near US 31 for the new interchange and the completed interchange may be in the property's viewshed. Direct access to US 31 from 276th Street would be maintained through this interchange following construction.

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): Access at the intersection of US 31 and 236th Street will be determined by a separate project with independent utility (Des. No.

1702149). No work will take place in the vicinity of this property as a part of this project; the closest work will take place at 241st Street.

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): No work will take place in the vicinity of this property; the closest work will take place at 216th Street. This property's access to US 31 will not change.

Archaeology Site 12-H-1742: Site 12-H-1742 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1881: Site 12-H-1881 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1882: Site 12-H-1882 appears to be partially within the existing right-of-way. Avoidance may be achieved through the use of MSE retaining walls. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1883: Site 12-H-1883 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

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

A finding of "*Adverse Effect*" is appropriate for the conversion of US 31 to a limited access highway between SR 38 and 286th Street because there is insufficient information to determine the eligibility of **Archaeology Sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883**.

Part 36 CFR § 800.5(a)(2), examples of adverse effect include but are not limited to:

- (i) Physical destruction of or damage to all or part of a property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access not consistent with the Secretary's Standard for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of a property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

Application of the criteria of adverse effect defined in 36 CFR § 800.5(a)(1), finds the proposed project's potential effects are not likely to be described by the examples in 36 CFR § 800.5(a)(2)(ii) or (vii). The application of adverse effect, focusing on 36 CFR § 800.5(a)(2)(i), (iii), (iv), (v), and (vi) follows:

Roberts Chapel and Cemetery (NR-0882, IHSSI #057-020-05026): In regard to 36 CFR § 800.5(a)(2)(i), no physical damage to this property will occur as a part of this project.

In regard to 36 CFR § 800.5(a)(2)(iii), the property will not be moved from its historic location.

In regard to 36 CFR § 800.5(a)(2)(iv), the property's use will not change. The viewshed may be slightly impacted by tree removal and the introduction of an interchange at US 31 approximately 0.66 mile west of the property, but the rural character of the property's setting will not be altered in a way that would negatively impact the property's significance for its association with African American Heritage.

In regard to 36 CFR § 800.5(a)(2)(v), the introduction of an interchange approximately 0.66 mile from the property will not introduce visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

In regard to 36 CFR § 800.5(a)(2)(vi), neglect of this property will not occur as a result of this project.

Hansel Roberts Farm (IHSSI #057-020-05027): In regard to 36 CFR § 800.5(a)(2)(i), no physical damage to this property will occur as a part of this project.

In regard to 36 CFR § 800.5(a)(2)(iii), the property will not be moved from its historic location.

In regard to 36 CFR § 800.5(a)(2)(iv), the property's use will not change. The viewshed may be slightly impacted by tree removal and the introduction of an interchange at US 31 approximately 0.61 mile west of the property, but the rural character of the property's setting will not be altered in a way that would negatively impact the property's significance for architecture or for its association with African American Heritage.

In regard to 36 CFR § 800.5(a)(2)(v), the introduction of an interchange approximately 0.61 mile from the property will not introduce visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

In regard to 36 CFR § 800.5(a)(2)(vi), neglect of this property will not occur as a result of this project.

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): In regard to 36 CFR § 800.5(a)(2)(i), no physical damage to this property will occur as a part of this project.

In regard to 36 CFR § 800.5(a)(2)(iii), the property will not be moved from its historic location.

In regard to 36 CFR § 800.5(a)(2)(iv), this project will not alter the property's use. No physical features within the property's setting will change.

In regard to 36 CFR § 800.5(a)(2)(v), no visual, atmospheric, or audible elements will be introduced to the property.

In regard to 36 CFR § 800.5(a)(2)(vi), neglect of this property will not occur as a result of this project.

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): In regard to 36 CFR § 800.5(a)(2)(i), no physical damage to this property will occur as a part of this project.

In regard to 36 CFR § 800.5(a)(2)(iii), the property will not be moved from its historic location.

In regard to 36 CFR § 800.5(a)(2)(iv), this project will not alter the property's use. No physical features within the property's setting will change.

In regard to 36 CFR § 800.5(a)(2)(v), no visual, atmospheric, or audible elements will be introduced to the property.

In regard to 36 CFR § 800.5(a)(2)(vi), neglect of this property will not occur as a result of this project.

Archaeology Site 12-H-1742: Site 12-H-1742 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1881: Site 12-H-1881 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1882: Site 12-H-1882 appears to be partially within the existing right-of-way. Avoidance may be achieved through the use of mechanically stabilized earth (MSE) retaining walls. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

Archaeology Site 12-H-1883: Site 12-H-1883 will be avoided by all project activities. If the site cannot be avoided, it will be subject to additional investigation to determine if it is eligible for the NRHP. Any additional investigation will be conducted following stipulations specified in an MOA.

There is insufficient information to determine the eligibility of Archaeology Sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883. The US 31 Limited Access Conversion will not diminish the historical associations, historically significant features, or architectural integrity for which Roberts Chapel and Cemetery is listed in the NRHP and or which the Hansel Roberts Farm is eligible for the NRHP and will have "*No Adverse Effect*" on these properties. There will be no impacts to the Baker/Johnson/Pickett Farmstead or the Thomas Joseph Lindley Farm as a result of this project, and therefore "*No Historic Properties Affected*" is the appropriate finding for these properties.

6. SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

Consulting party consultation was conducted prior to the reduction in project scope, with the original project limits from SR 38 in Hamilton County to SR 931 in Tipton County. Consulting

parties responded to the early coordination letter expressing concern over potential impacts to historic properties and requesting further information about the project and cultural resource studies as they progressed. A full summary of comments regarding the early coordination letter is located in Section 2 of this document.

Consulting parties responded to the HPR, in general concurring with the properties recommended eligible for the NRHP. The SHPO also made comments that the Goldsmith Methodist Church should be considered eligible for the NRHP, that the relocated buildings at the Kelley House property were not contributing resources to the Kelley House, and that the Hansel Roberts Farm should be considered eligible under Criterion C as well as Criterion A. Therefore, based on the SHPO's comments, the Hansel Roberts Farm is considered NRHP-eligible under Criteria A and C and the Goldsmith Methodist Church is considered NRHP eligible under Criterion C. In addition, the proposed NRHP boundary for the Kelley House was revised to exclude non-contributing resources. A full summary of comments regarding the HPR is located in Section 2 of this document.

An Effects Letter for above-ground properties was approved by INDOT-CRO on October 19, 2020 and sent to consulting parties on October 27, 2020 (Appendix C, C27-C42). The letter recommended the project had the following effect findings:

Roberts Chapel and Cemetery (IHSSI #057-020-05026): “No Adverse Effect”

Hansel Roberts Farm (IHSSI #057-020-05027): “No Adverse Effect”

Kelley House (IHSSI #159-323-11005): “No Adverse Effect”

Hopewell Methodist Church (IHSSI #159-309-20021): “No Adverse Effect”

Western Bungalow/IHSSI #159-309-10038 (6401 W. CR 450 North): “No Adverse Effect”

John D. and Phoebe Smith House (IHSSI #159-309-15074): “No Adverse Effect”

Endicott House (IHSSI #159-587-15097): “Adverse Effect”

Goldsmith Methodist Church (IHSSI #159-390-15074): “No Adverse Effect”

Baker/Johnson/Pickett Farmstead (1715 E. 236th Street): “No Historic Properties Affected”

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003): “No Historic Properties Affected”

The letter also contained an invitation to a consulting party meeting on November 13, 2020. A consulting party invitation was also sent to the owner of the Endicott House which was returned to sender (Appendix C, C61).

A consulting parties meeting was held on November 13, 2020, primarily to discuss effects to the Kelley House, Hopewell Methodist Church, and the Endicott House (Appendix C, C49-C52). The Kelley Agricultural Historical Museum continued to object to the property's loss of direct access to US 31. The Museum discussed concerns over the Museum's visibility and the ability of museum visitors and event guests to reach the venue using county roads. Several alternative options for accommodating some continued access from US 31 to CR 550 North were

discussed, including a right-in-right-out option and the use of a folded diamond interchange. The desire to avoid the creation of Section 4(f) impacts to the Kelley House from these alternatives was also considered. As a result of the consulting parties meeting, BF&S studied alternate access options for CR 550 North and produced additional layouts.

The Kelley Agricultural Historical Museum provided additional comments on November 19, 2020, listing the events held at the Museum since 2017 (Appendix C, C54-C60). The Museum reiterated that the loss of direct access from US 31 would reduce visitors to the museum and event bookings at the venue due to difficulties in navigating local roads.

Although the Kelley House could be avoided by careful design of the alternatives discussed above, additional ROW impacts and costs would result from all access options. In addition, providing specialized access to CR 550 North is not consistent with the purpose of the project in limiting access to US 31. The use of the Kelley Agricultural Historical Museum as an event center is distinct from the architectural significance of the Kelley House as an NRHP-eligible property historically used as a farmhouse. The Museum is open by appointment only. Eliminating direct access to US 31 will not cause a diminishment in the house's integrity. INDOT has indicated that, as an affected business, the Museum will be provided with wayfinding signage on US 31 and county roads as a part of this project. Therefore, INDOT determined to proceed with construction of cul-de-sacs at CR 550 North.

The SHPO responded to the Effects Letter and consulting party meeting on November 30, 2020, stating the project will not adversely affect the following properties:

S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI #057-667-20003)
Baker/Johnson/Pickett Farmstead at 1715 E. 236th Street
Hansel Roberts Farm (IHSSI #057-020-05027)
Roberts Chapel and Cemetery (NR-0882/1309)
John D. and Phoebe Smith House (IHSSI #159-309-15074)
Goldsmith Methodist Church (IHSSI #159-309-18016)
Hopewell Methodist Church (IHSSI #159-309-20021)
Western Bungalow at 6401 W. CR 450 North (IHSSI #159-309-10038)

The SHPO also expressed a preference for the "underpass" option that was discussed at CR 600 South (296th Street) as having the least visual impact to the Endicott House. The letter also stated the overpass option would have an "Adverse Effect" on the Endicott House and the bypass option would likely reduce the property's agricultural setting and feeling. The SHPO did not comment on the Kelley House pending further information (Appendix C, C64-C66).

No other responses to the Effects Letter were received.

In regard to archaeology, the SHPO concurred with the eligibility determinations in the archaeology reports on November 30, 2020 (Appendix C, C67-C68). The Delaware Nation responded on December 28, 2020 and stated they were not aware of the presence of any cultural or religious sites (Appendix C, C69). A full summary of comments regarding the archaeology reports is located in Section 2 of this document.

No other responses to the archaeological reports were received.

FHWA signed a determination of "Adverse Effect" for this Section 106 undertaking with its original project limits on January 27, 2021. The "Adverse Effect" finding and a draft MOA were

transmitted to consulting parties on the same day. An email notification of forthcoming changes to the project scope and a request to suspend review of the finding and draft MOA was sent to consulting parties on February 12, 2021 and February 15, 2021. As a result of the reduction in the project scope, the Kelley House, Hopewell Methodist Church, and the Endicott House are no longer within the APE.

A finding of “*Adverse Effect*” is appropriate for this project because there is insufficient information to determine the eligibility of Archaeology Sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883.

A Section 106 public notice will be published in *The Times* (Hamilton County) offering the public the opportunity to make comments on INDOT’s “*Adverse Effect*” finding. A thirty (30) day comment period will be given. The document will be revised, if necessary, after the public notice to reflect any comments received.

APPENDIX

- Appendix A: Invited Section 106 Consulting Parties
- Appendix B: Graphics
- Appendix C: Correspondence
- Appendix D: Excerpts from Cultural Resource Studies

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 · www.IN.gov/dnr/historic



April 26, 2021

Elizabet Biggio
Butler, Fairman, & Seufert, Inc.
8450 Westfield Boulevard, Suite 300
Indianapolis, Indiana 46240

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

Re: Federal Highway Administration's finding of "Adverse Effect", draft Memorandum of Agreement (March 24, 2021 version) and addendum archaeological short report (Plunkett, 3/22/2021) for the US 31 Corridor Study, now located between SR 38 and 286th Street, Hamilton County, Indiana (Des. No. 1900096, 1900097, 1901797; DHPA No. 25247)

Dear Ms. Biggio:

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 March 30, 2021 submission which enclosed FHWA's finding and documentation, draft memorandum of agreement ("Draft MOA"; March 24, 2021 version), and addendum archaeological short report (Plunkett, 3/22/2021) for the aforementioned project, received by our office the same day.

Thank you for notifying our office the changed project scope. We note that the project, which originally encompassed 20.3 miles of US 31 in Hamilton and Tipton counties now takes place entirely in Hamilton County, with the project limits spanning between SR 38 and 286th Street. As a result, the following are the only historic properties listed or eligible for inclusion in the National Register of Historic Places ("NRHP") located within the project's area of potential effects:

- Roberts Chapel and Cemetery, NR-0882
- Hansel Roberts Farm, Indiana Historic Sites and Structures Inventory ("IHSSI") #057-020-05027
- Baker/Johnson/Pickett Farmstead, 1714 E. 236th Street
- S. Lindley Farm/Thomas Joseph Lindley Farm, IHSSI #057-667-20003

Regarding the addendum archaeological short report (Plunkett, 3/22/2021), we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP within the additional area surveyed. As documented in the addendum archaeological short report no archaeological resources were identified during the archaeological survey. It is our opinion that no further archaeological investigations appear necessary at this proposed project area.

Regarding previous archaeological submissions for the project, we note that we have not received the requested revision to the archaeological report (Bennett/Plunkett, 10/26/2020) for the US 31 Corridor Study (Des. No. 1900096 & 1900097). Please note that the archaeological site forms (12H1879-1883 and 12Ti262-275) for this portion of the project have still **not** been submitted in SHAARD. Please submit the forms for review. We also understand that some portions of the project were not surveyed due to access issues. We look forward to receiving additional information once the survey has been completed.

We agree that archaeological sites 12H1742, 12H1881, 12H1882 and 12H1883 are located within the reduced project's area of potential effects. These sites have been determined to be potentially eligible for inclusion in the NRHP. The sites should be clearly marked and must be avoided by all ground-disturbing project activities. If these sites cannot be avoided by all project activities, they will be subjected to further archaeological investigations to fully evaluate their eligibility for the NRHP as outlined in the MOA. Because these sites remain unevaluated, we agree that an adverse effect finding is appropriate.

Further we note that portions of archaeological sites 12H1879/1891 (apparently the same site recorded by the two different surveys (Harth 8/10/202 and (Bennett/Plunkett, 10/26/2020)), 12H1880, 12H1885, 12H1886, and 12H1889 are located within the reduced project's area of potential effects. The portions of the sites that lie within the proposed project area have been determined unlikely to contain significant archaeological deposits and that no further archaeological investigations are recommended. However, if the project boundaries should change, further archaeological investigations will be necessary to delineate the site boundaries and provide an evaluation of these sites for inclusion in the NRHP. The portions of these sites that lie outside the proposed project area should be clearly marked and must be avoided by all ground-disturbing project activities.

We agree with FHWA of “No Historic Properties Affected” regarding the Baker/Johnson/Pickett Farmstead and S. Lindley Farm/Thomas Joseph Lindley Farm, and “No Adverse Effect” regarding the Roberts Chapel and Cemetery, and Hansel Roberts Farm.

Accordingly, we concur with FHWA’s March 29, 2021 Section 106 finding of “Adverse Effect” for Archaeology Sites 12H1742, 12H1881, 12H1882, 12H1883, and this federal undertaking as a whole. Further, we concur that the archaeology sites 12H1742, 12H1881, 12H1882, and 12H1883 do not warrant preservation in place.

Regarding the Draft MOA (March 24, 2021 version), we wish to provide the following comments:

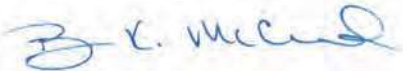
- Page 1, second paragraph: there is an erroneous “SR” preceding 286th Street.
- Page 1, third paragraph, and Page 7, Section IV: for sake of consistency, the Roberts Chapel and Cemetery does not have the NRHP or IHSSI number or address included. The S. Lindley Farm also does not include its address on Page 1.
- We would recommend that sites 12H1879 and 12H1880 be added to Stipulation II.D.ii. Additionally, it should be clarified that sites 12H1879 and 12H1891 reflect the same historical era site.

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 -29) requires that the discovery be reported to the DNR-DHPA within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and -29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. Part 800.

The archaeological reviewer for this project on the Indiana SHPO staff is Beth McCord 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 US 31 corridor study in Hamilton County, (Des. No. 1900096, 1900097, 1901797), please continue to refer to DHPA No. 25247.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:BKM:dmk

emc: Robert Dirks, PE, FHWA
Anuradha Kumar, INDOT
Shaun Miller, INDOT

Susan Branigin, INDOT
Elizabet Biggio, Butler, Fairman, & Seufert, Inc.
Joshua Biggs, Indiana Landmarks, Central Regional Office
Kelley Agricultural Museum
Roberts Settlement
Lightfoot Bros. Farm Services
Forest County Potawatomi Community
Miami Tribe of Oklahoma
Delaware Nation
Jeffrey Plunkett, NS Services, L.L.C.
Andrew Martin, Cultural Resources Analysts, Inc.
Danielle Kauffmann, DNR-DHPA
Beth McCord, DNR-DHPA

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE INDIANA STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 C.F.R. Section 800.6(b)(iv)
REGARDING US 31 LIMITED ACCESS CONVERSION FROM SR 38 TO 286th ST.
IN WASHINGTON, ADAMS, AND JACKSON TOWNSHIPS,
HAMILTON COUNTY, INDIANA
DES. NOS. 1900096 (LEAD), 1900097, 1901797**

WHEREAS the Federal Highway Administration ("FHWA") proposes to convert US 31 to a limited access highway between State Road (SR) 38 and 286th Street in Washington, Adams, and Jackson townships, Hamilton County, Indiana; and

WHEREAS the FHWA, in consultation with the Indiana State Historic Preservation Officer ("Indiana SHPO"), has defined the US 31 Limited Access Conversion from SR 38 to 286th Street's area of potential effects ("APE"), as the term is defined in 36 C.F.R. Section 800.16(d), to be an irregular corridor along US 31, accounting for viewsheds and for properties which have the potential to lose direct access to the US 31 corridor (Appendix B, B2); and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has found that Roberts Chapel and Cemetery (NR-0882/3102 E. 276th Street), the Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street), the Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street), the S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI# 057-667-20003/20820 Lindley Farm Rd.), and archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 are within the APE; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined, pursuant to 36 C.F.R. Section 800.4(c), that the Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street), the Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street), and the S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI# 057-667-20003/20820 Lindley Farm Rd.), are eligible for inclusion in the National Register of Historic Places ("National Register"); and that there is insufficient information to determine if archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 are eligible for inclusion in the National Register and these sites must be avoided or subjected to further archaeological investigations;

WHEREAS the FHWA and the Indiana SHPO both recognize that Roberts Chapel and Cemetery (NR-0882/3102 E 276th Street) is listed in the National Register; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has determined pursuant to 36 C.F.R. Section 800.5(a) that the US 31 Limited Access Conversion from SR 38 to 286th Street will potentially have an adverse effect on archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883, if eligible; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and the implementing regulations

(36 C.F.R. Section 800) to resolve the potential adverse effects to archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883; and

WHEREAS the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on April 21, 2021 in *The Times* (Hamilton County); and

WHEREAS the FHWA has notified the Advisory Council on Historic Preservation ("Council") of the adverse effect and invited the Council's participation in the project, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated January 28, 2021; and

WHEREAS the Council declined to participate in consultation in a letter dated March 10, 2021;

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited the Indiana Department of Transportation ("INDOT") to participate in the consultation and to become a signatory to this memorandum of agreement; and

WHEREAS the FHWA, in consultation with the Indiana SHPO, has invited Indiana Landmarks, Roberts Settlement, the Kelley Agricultural Historical Museum, the Delaware Nation, the Miami Tribe of Oklahoma, the Forest County Potawatomi Community, and Lightfoot Brothers Farm Services to participate in the consultation and to become concurring parties to this memorandum of agreement; and

WHEREAS the FHWA has consulted with the Indiana SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the implementing regulations (36 C.F.R. Part 800) concerning the scope of work as presented in the materials and plans dated ****(date)**** and has agreed to proceed with the project as proposed.

NOW, THEREFORE, the FHWA and the Indiana SHPO agree that, upon the submission of a copy of this executed memorandum of agreement, as well as the documentation specified in 36 C.F.R. Section 800.11(e) and (f) to the Council pursuant to 36 C.F.R. Section 800.6[b][1][iv] and upon the FHWA's approval of the US 31 Limited Access Conversion from SR 38 to 286th Street, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the US 31 Limited Access Conversion from SR 38 to 286th Street on historic properties.

STIPULATIONS

FHWA, in coordination with INDOT, shall ensure that the following measures are carried out:

I. PROFESSIONAL QUALIFICATIONS

- A. In consultation with the Indiana SHPO, INDOT shall ensure that all work performed pursuant to this MOA is performed or supervised by a qualified individual and/or team(s) that meet the Secretary of the Interior's Professional Qualification Standards as outlined in 36 C.F.R. 61 for history, archaeology, architectural history, architecture, and/or historic architecture, as appropriate.

- B. The individual and/or team(s) performing or supervising the archaeology investigations shall have supervisory experience in the prehistoric and historic archaeology of the central Indiana region. All work performed or supervised by such person or persons shall be conducted pursuant to the provisions of Indiana Code 14-21-1, 312 Indiana Administrative Code 21, 312 Indiana Administration Code 22, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory-Archaeological Sites*.

II. TREATMENT OF ARCHAEOLOGICAL RESOURCES

A. Statutory and Regulatory Standards

- i. The studies completed pursuant to Stipulation II.D shall demonstrate a level of effort consistent with the 36 C.F.R. part 800 regulations in effect on the date upon which the last of the required signatories has signed this MOA and will provide FHWA with the information to determine, in consultation with the Indiana SHPO, which archaeological properties are eligible for inclusion in the NRHP. FHWA shall acknowledge and seek the expertise of any federally recognized Indian Tribes in assessing the eligibility of historic properties that may possess religious and cultural significance to the Tribes.
- ii. In implementing Stipulation II.A through II.F., INDOT may consult with the consulting parties listed in Attachment A and others identified in accordance with the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.
- iii. In the event that previously unreported and unanticipated artifacts or human remains (including funerary objects, sacred objects, and objects of cultural patrimony) are found during construction activities, FHWA, in coordination with INDOT, will follow the procedures outlined in Stipulation III(C) of the Memorandum of Understanding Among the FHWA, Indiana SHPO, INDOT, and Federally Recognized Tribes Interested in Indiana Lands Regarding Tribal Consultation Requirements for the Indiana Federal Transportation Program ("Tribal MOU", see Appendix B).
- iv. In accordance with Section 304 of the NHPA and the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed, INDOT and/or its consultants shall ensure that sensitive information regarding the nature and location of human remains and grave goods, and the location, character, and ownership of archaeological sites is kept confidential from the public.
- v. In ensuring that any human remains and grave goods identified are treated in a sensitive, respectful, and careful manner, INDOT shall be guided by the Tribal MOU (Appendix B), the Council's "Policy Statement Regarding

Treatment of Human Remains and Grave Goods" (February 23, 2007), the Native American Graves Protections and Repatriation Act ("NAGPRA") regulations set forth in 43 C.F.R. part 10, and other guidelines as appropriate.

- vi. Modifications to the project which have not previously been subject to archaeological identification and evaluation and assessment shall be subject to identification and evaluation and assessment per Stipulations II.B. and II.C. If FHWA determines that the modifications have the potential to cause adverse effects on archaeological resources, then FHWA shall treat the archaeological resource in accordance with Stipulation II.E.

B. Any dispute regarding the report(s) shall be resolved in accordance with Stipulation Identification & Evaluation

- i. Before commencing ground-disturbing activities in a segment of the US 31 Limited Access Conversion from SR 38 to 286th Street, INDOT shall complete the identification and evaluation of archaeological properties in accordance with applicable Federal and State standards and guidelines listed in Stipulations I and II.A.
- ii. INDOT and/or its consultants shall investigate any additional locations where ground-disturbing activities are proposed or where they may occur within temporary and permanent right-of-way, where such areas have not previously been investigated or have been added due to project modifications.
- iii. INDOT and/or its consultants shall prepare and distribute a final Identification and Evaluation report or reports in accordance with Stipulations I and II.A.
- iv. Upon completion of the archaeological evaluation, FHWA shall follow the procedures set forth in the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed, which shall include updated documentation described in those regulations if it is determined that no historic properties shall be affected.
- v. If FHWA and the Indiana SHPO agree that no archaeological resources identified are NRHP-eligible, then no further action regarding archaeological resources is necessary under the terms of this MOA and FHWA's responsibilities under Section 106 are fulfilled.
- vi. If FHWA determines that any archaeological site meets NRHP criteria and the Indiana SHPO agrees, the archaeological resource shall be considered eligible for the NRHP and treated in accordance with Stipulations II.C - II.E.

- vii. If FHWA and the Indiana SHPO do not agree on NRHP eligibility, FHWA shall follow the procedures identified in accordance with Stipulation III.A.

C. Assessment of Effects

- i. In consultation with the Indiana SHPO, Federally-recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA shall determine if the US Limited Access Conversion from SR 38 to 286th shall adversely affect archeological properties determined eligible for inclusion in the NRHP pursuant to the 36 C.F.R. part 800 regulations in effect on the date upon which this MOA is fully executed.
- ii. If, in consultation with the Indiana SHPO, Federally-recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, FHWA determines the project may adversely affect NRHP-eligible archeological properties, then FHWA shall make reasonable efforts to avoid or minimize the adverse effect. If, after this consultation, FHWA determines it is not possible to avoid or minimize adverse effects, then FHWA shall treat the archaeological resource in accordance with Stipulation II.E. of the MOA.
- iii. Any dispute regarding the determination of effects on NRHP-eligible archaeological properties shall be resolved in accordance with applicable Federal and State standards and guidelines listed in Stipulation III.A.

D. Avoidance/Additional Investigations

- i. Consultation with the Indiana SHPO determined there is insufficient information regarding archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 to determine whether they are eligible for inclusion in the NRHP. These sites must be avoided by all project activities. If avoidance is not feasible, a plan for Phase II archaeological investigations will be submitted to the Indiana SHPO for review and comment.
- ii. Consultation with the Indiana SHPO determined the portions of sites 12-H-1879, 12-H-1880, 12-H-1885, 12-H-1886, 12-H-1889, and 12-H-1891 that were identified within the project area during the archaeological investigations are not eligible for inclusion in the NRHP and no further archaeological investigations are necessary in those portions of the sites within the project area. The portions of these sites outside the project area (right-of-way) will be clearly marked on project plans and in the field prior to any ground disturbance so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the Indiana SHPO for review and

comment. It is noted that site numbers 12-H-1879 and 12-H-1891 refer to the same archaeological resource.

- iii. Any archaeological sites determined eligible for the NRHP as a result of the investigations specified by the stipulations in section II.B. of this document will be avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the Indiana SHPO for review and comment.
- iv. Where avoidance is not possible, all archaeological investigations shall be conducted according to applicable Federal and State standards and guidelines listed in Stipulations I and II.A.
- v. To maximize the opportunity to avoid adverse effects, the required archaeological investigations shall be conducted as soon as practicable upon securing the appropriate rights to access property.
- vi. INDOT, in consultation with the Indiana SHPO and other parties deemed appropriate by FHWA, shall take reasonable measures to avoid disinterment and disturbance to human remains and grave goods of religious and cultural significance to Native Americans, including investigations associated with any modifications of the US 31 Limited Access Conversion from SR 38 to 286th Street.
- vii. Upon completion of any additional investigations, FHWA shall complete the identification and evaluation of archaeological resources for inclusion in the NRHP in accordance with applicable Federal and State standards and guidelines in consultation with the Indiana SHPO and appropriate consulting parties and Federally-recognized Indian Tribes.

E. Treatment

- i. If FHWA, in consultation with the Indiana SHPO, Federally-recognized Indian Tribes that may ascribe traditional cultural and religious significance to affected properties, and other parties whom FHWA deems appropriate, determines that an adverse effect cannot be avoided or minimized, then FHWA shall develop and implement a Treatment Plan(s), as part of the above consultation, to mitigate the adverse effects to an archeological resource on a site-by-site basis. The implementation of the Treatment Plan(s) must be completed for each site prior to the initiation of any construction activities associated with the US 31 Limited Access Conversion from SR 38 to SR 286th Street within a segment of the project that could affect that site.

III. OBJECTION RESOLUTION PROVISION

Disagreement and misunderstanding about how this memorandum of agreement is or is not being implemented shall be resolved in the following manner:

- A. If the Indiana SHPO or any invited signatory to this memorandum of agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to the US 31 Limited Access Conversion from SR 38 to 286th Street or implementation of this memorandum of agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the Council, including the FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - i. Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
 - ii. Notify the FHWA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. The FHWA shall take into account the Advisory Council's comments in reaching a final decision regarding its response to the objection.
- B. If comments or recommendations from the Council are provided in accordance with this stipulation, then the FHWA shall take into account any Council comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the memorandum of agreement that are not the subjects of the objection shall remain unchanged.

IV. POST-REVIEW DISCOVERY

In the event that one or more historic properties--other than Roberts Chapel and Cemetery (NR-0882/3102 E 276th Street), the Hansel Roberts Farm/IHSSI #057-020-05027 (3059 East 276th Street), the Baker/Johnson/ Pickett Farmstead (1715 E. 236th Street), the S. Lindley Farm/Thomas Joseph Lindley Farm (IHSSI# 057-667-20003//20820 Lindley Farm Rd.), and archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 are discovered or that unanticipated effects on historic properties are found during the implementation of this memorandum of agreement, the FHWA shall follow the procedure specified in 36 C.F.R. Section 800.13, as well as IC 14-21-1-27 and IC 14-21-1-29, by stopping work within 100 feet and informing the Indiana SHPO and the INDOT Cultural Resources Office of such unanticipated discoveries or effects within two (2) business days. Any necessary archaeological investigations will be conducted according to the provisions of IC 14-21-1 and 312 IAC 21, and the most current *Guidebook for Indiana Historic Sites and Structures Inventory – Archaeological Sites*.

V. AMENDMENT

Any signatory to this memorandum of agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. 36 C.F.R. 800.6(c)(7) shall govern the execution of any such amendment.

VI. TERMINATION

- A. If the terms of this memorandum of agreement have not been implemented by December 31, 2035, then this memorandum of agreement shall be considered null and void. In such an event, the FHWA shall so notify the parties to this memorandum of agreement and, if it chooses to continue with the US 31 Limited Access Conversion from SR 38 to 286th Street, then it shall reinstate review of the US 31 Limited Access Conversion from SR 38 to 286th Street in accordance with 36 C.F.R. Sections 800.3 through 800.7.
- B. Any signatory to this memorandum of agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the US 31 Limited Access Conversion from SR 38 to 286th Street.
- C. In the event that the FHWA does not carry out the terms of this memorandum of agreement, the FHWA shall comply with 36 C.F.R. Sections 800.3 through 800.7 with regard to the review of the US 31 Limited Access Conversion from SR 38 to 286th Street.

The execution of this memorandum of agreement by the FHWA, the Indiana and the SHPO, the submission of it to the Council with the appropriate documentation specified in 36 C.F.R. Section 800.11(e) and (f), and the implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the US 31 Limited Access Conversion from SR 38 to 286th Street and its effect on historic properties and that the FHWA has taken into account the effects of the US 31 Limited Access Conversion from SR 38 to 286th Street on historic properties.

SIGNATORIES (required):

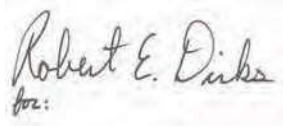
FEDERAL HIGHWAY ADMINISTRATION

INDIANA STATE HISTORIC PRESERVATION OFFICER

INVITED SIGNATORIES:

INDIANA DEPARTMENT OF TRANSPORTATION

REQUIRED SIGNATORY
FEDERAL HIGHWAY ADMINISTRATION

A handwritten signature in black ink that reads "Robert E. Dirks". The signature is written in a cursive style. Below the signature, the text "for:" is written in a smaller, handwritten font.

Digitally signed by Robert E.
Dirks
Date: 2021.05.18 10:15:41 -04'00'

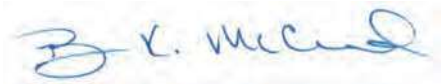
By: _____

Jermaine R. Hannon,
Acting Division Administrator

Date: _____

REQUIRED SIGNATORY


INDIANA STATE HISTORIC PRESERVATION OFFICER

By: 
Beth McCord, Deputy Director

Date: 05/13/2021

INVITED SIGNATORY

INDIANA DEPARTMENT OF TRANSPORTATION

By: 
Laura Hilden, Environmental Services Director

Date: 5/4/2021

ATTACHMENT E

Environmental Commitments

Firm Environmental Commitments

1.	If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT Greenfield District)
2.	It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
3.	Wetlands and portions of wetlands that are to be avoided will be marked as "Do Not Disturb" on design plans and temporary construction fencing will be installed to prevent impacts during construction. (INDOT ESD)
4.	Any work in a wetland area within right-of-way or in borrow/waste areas is prohibited unless specifically allowed in the U.S. Army Corps of Engineers permit. (INDOT ESD)
5.	USFWS Bridge/Structure Assessment shall take place no earlier than two (2) years prior to the start of construction. If construction will begin after June 23, 2022, an inspection of the structure by a qualified individual, must be performed. Inspection of the structure should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)
6.	General AMM 1: Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. (USFWS)
7.	Lighting AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
8.	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 replacing 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. (USFWS)
9.	Tree Removal AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
10.	Tree Removal AMM 2: Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/ rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (October 1 to March 30). (USFWS, IDNR-DFW)
11.	Tree Removal AMM 3: Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)
12.	Tree Removal AMM 4: Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting; or trees within 0.25 miles of roosts; or documented foraging habitat any time of year. (USFWS)
13.	Prior to any construction or demolition, structures will be investigated for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and the Service before construction or demolition starts. If further coordination is needed no construction or demolition can occur until coordination is concluded with INDOT ESD and the Service. (USFWS)
14.	Before commencing ground-disturbing activities in a phase of US 31 Limited Access Conversion from SR 38 to 286th Street, INDOT shall complete the identification and evaluation of archaeological properties in accordance with Federal and State standards and guidelines. (INDOT CRO, IDNR DHPA)
15.	INDOT and/or its consultants shall investigate any additional locations where ground-disturbing activities are proposed or where they may occur within temporary and permanent right-of-way, where such areas have not previously been investigated or have been added due to project modifications. INDOT and/or its consultants shall prepare a distribute a final Identification and Evaluation report or reports. (INDOT CRO, IDNR DHPA)
16.	Consultation with the Indiana SHPO determined there is insufficient information regarding archaeological sites 12-H-1742, 12-H-1881, 12-H-1882, and 12-H-1883 to determine eligibility for inclusion in the NRHP. These sites must be avoided by all project activities. If avoidance is not feasible, a plan for Phase II Archaeological investigations will be submitted to the Indiana SHPO for review and comment. (INDOT CRO, IDNR DHPA)
17.	Consultation with the Indiana SHPO determined portions of sites 12-H-1879, 12-H-1880, 12-H-1885, 12-H-1886, 12-H-1889, and 12-H-1891 that were identified within the project area during the archaeological investigations are not eligible for inclusion in the NRHP and no further archaeological investigations are necessary in those portions of the sites within the project area. The portions of these sites outside of the project area (right-of-way) will be clearly marked as do not disturb – sensitive environmental resource on the project plans and in the field prior to any ground disturbance so that they are avoided by all project activities. If avoidance is not feasible, a plan for further archaeological investigations will be submitted to the Indiana SHPO for review and comment. (INDOT CRO, IDNR DHPA)

18.	If a steel casing or void hole is encountered during construction, around the known wells, contact IDNR Division of Oil and Gas immediately so they can assess the well and determine next steps. (IDNR Division of Oil and Gas)
19.	Structure Nos. 031-29-04572 BNBL (US 31 northbound bridge over Little Cicero Creek) and 031-29-04572 BSBL (US 31 southbound over Little Cicero Creek) have shown evidence of use (i.e. nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA) during the June 23, 2020 inspection. Avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the "Migratory Bird Protection" Unique Special Provision (USP). (INDOT ESD)
20.	Little Cicero Creek is listed as impaired for E. coli. Regarding E. coli, workers who are working in or near water with E. coli should take care to wear appropriate PPE, observe proper procedures, including regular hand washing, and limit personal exposure. The contractor shall provide the appropriate training and PPE for all workers who are working in or near Little Cicero Creek. (INDOT SAM)

For Further Consideration Environmental Commitments

21.	Bridges are recommended over culverts, and three-sided culverts are recommended over box or pipe culverts. If encapsulations are used, they must be sumped. Sumping is not required for three-sided boxes or bridges. Crossing must maintain the natural substrate within the structure. (IDNR-DFW)
22.	A new/replaced/rehabilitated structure, and any associated bank stabilization must not create conditions that are less favorable for wildlife passage when compared to existing conditions. White-tailed deer passage must be incorporated into all new structures where no structures previously existed. (IDNR-DFW)
23.	Some form of bank stabilization is almost always needed with work associated with crossings. Establishing native vegetation along the streambanks is typically the most effective technique for shallow slopes. Combining vegetation with bio-engineered bank stabilization is preferred for slopes steeper than 2:1. (IDNR-DFW)
24.	Riprap or other hard armor should only be used at the toe of the side slopes up to the ordinary high-water mark (OHWM) except for areas directly beneath bridges. Banks above the OHWM should be restored using native vegetation when possible. (IDNR-DFW)
25.	Mitigation plans should be developed for any unavoidable impacts to habitat and included with any permit application(s). Impacts to non-forest of 1.0 acre or more should be mitigated at a minimum of 2:1 ratio based on area and impacts below 1.0 acre should be mitigated at a 1:1 ratio based on area. (IDNR-DFW)
26.	The Division of Fish and Wildlife recommends coordinating with the Division of Fish and Wildlife CORRIDORS Program to include roadside plantings to enhance habitat for grassland birds and pollinators (https://www.in.gov/dnr/fishwild/9405.htm). (IDNR-DFW)
27.	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." We recommend visiting the following website to learn more about the potential negative impacts of improperly selected LED lighting systems if required: http://darksky.org/lighting/led-practical-guide/ . (IDNR-DFW)
28.	Do not construct any temporary runarounds, access bridges, causeways, cofferdams, diversions, or pumparounds. (IDNR-DFW)
29.	Use minimum average 6-inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids. (IDNR-DFW)
30.	Underlay the riprap with a bedding layer of well graded aggregate or a geotextile to prevent piping of soil underneath the riprap. (IDNR-DFW)
31.	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. (IDNR-DFW)

32. Restrict below low water work in streams to placement of culverts, piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap. Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottom culvert or arch is used in a stream, which has a good natural bottom substrate, such as gravel, cobbles and boulders, the existing substrate should be left undisturbed beneath the culvert to provide natural habitat for the aquatic community. (USFWS)
33. Minimize the extent of hard armor (riprap) in bank stabilization by using bioengineering techniques whenever possible. If rip rap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat. (USFWS)
34. Avoid all work within the inundated part of the stream channel (in perennial streams and larger intermittent streams) during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season. No equipment shall be operated below Ordinary High-Water Mark during this time unless the machinery is within the caissons or on the cofferdams. (USFWS)
35. Evaluate wildlife crossings under bridge/culverts projects in appropriate situations. Suitable crossings include flat areas below bridge abutments with suitable ground cover, high water shelves in culverts, amphibian tunnels and diversion fencing. (USFWS)

New For Further Consideration Project Commitments Added as a Result of Public Involvement and Agency Coordination following EA approval:

36. Revegetate all disturbed soil areas immediately upon project completion using native trees and shrubs in the riparian zone wherever feasible. We recommend reforestation occur along all impacted riparian areas, extending at least 50 feet (preferably 100 feet) perpendicular from the streambank. (USFWS)
37. Use best methods to contain soil and sediment runoff during construction. Use silt curtains or other devices at the downstream end of the project to contain bottom sediment in the newly excavated channel and to prevent it from adding to the downstream sediment load. Maintain such devices by removal of accumulated sediment. (USFWS)
38. Undertake voluntary tree mitigation for tree losses not covered by the IDNR Construction in a Floodway permit. (USEPA)
39. Sidewalks and/or shared-use paths will be considered and incorporated, where possible, at crossings over the highway in order to provide pedestrians and cyclists a safe crossing. (USEPA)
40. Consider strategies to protect air quality for people who live, work, and/or play near the project area during construction, such as reducing diesel emissions, use equipment with clean diesel engines, and limit the length of time equipment idle when not in use. (USEPA)
41. Identify measures that will be taken to control the introduction and spreading of invasive species during and after project construction. Restoration and roadside plantings should include native pollinator friendly species. (USEPA)